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Progress in the construction of additional office facilities at the Economic Commission for Africa in Addis Ababa

Report of the Secretary-General

Summary

Pursuant to section I of General Assembly resolution 63/263, in which the Assembly endorsed the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/63/465), progress reports are to be submitted annually to the Assembly for all ongoing construction projects.

The present report provides an update on the current status of the construction of additional office facilities at the Economic Commission for Africa in Addis Ababa. Furthermore, in accordance with section III, paragraph 3, of General Assembly resolution 65/259, in which the Assembly requested the Secretary-General to assess the status of conference facilities at the Commission, the present report provides an update on the engagement of consultants and sets out an overview of the work undertaken in respect of urgently needed repairs and the renovation of Africa Hall. The latest cost plan for construction is included as an annex to the present report.

* A/67/150.

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I. Introduction

1. Section II of the present report provides an update on the construction of additional office facilities at the Economic Commission for Africa in Addis Ababa since the previous report of the Secretary-General on the subject (A/66/351). Section III provides an update on the status of the renovation of Africa Hall.

2. By its resolution 56/270, the General Assembly approved the construction of additional office facilities at the Commission. Subsequently, in its resolution 60/248, the Assembly endorsed the expansion of the scope of the project to include the construction of two additional floors. In its resolution 62/238, the Assembly took note of the report of the Secretary-General (A/62/487) and endorsed the related recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.11) for a revised cost estimate totalling $14,333,100.

3. In 2011, the Secretary-General confirmed that the additional funding necessary for the construction of the seventh floor had been made available in the total amount of $1,000,145, comprising $850,000 from the support account for peacekeeping operations in respect of the United Nations Office to the African Union and $150,145 from the budget for the African Union-United Nations Hybrid Operation in Darfur. Such funding would permit construction of the building in accordance with the scope of work. The resources available for the duration of the project currently total $15,333,245.

4. As regards section III of the present report, in its resolution 65/259, the General Assembly requested the Secretary-General to expeditiously assess the status of conference facilities at the Commission, in particular Africa Hall and Conference Room 1, to ensure that they were in strict compliance with the highest international standards for conference facilities, and to report thereon in the context of his next annual progress report on the construction of additional conference facilities at the Commission.

II. Progress in the construction of additional office facilities at the Economic Commission for Africa in Addis Ababa

A. Construction progress

5. As outlined in the previous report of the Secretary-General (A/66/351), the construction contract was signed on 1 April 2010 and work began on 1 May, following four weeks of mobilization. Although the construction was expected to be substantially completed by the end of February 2012, the construction period was extended for six months to 31 August 2012 because of limited availability of cement in the local market. The duration of the construction phase has since been extended by a further four months to 31 December 2012 for the reasons explained in paragraphs 7 to 10 below. Given that the construction phase is to be followed by a three-month fit-out period, building occupancy has been rescheduled for April 2013.

6. During the reporting period, an important project milestone was reached with the substantial completion of the building superstructure, which was celebrated in a topping-out ceremony on 9 February 2012. The focus of the construction work has since turned to the completion of the exterior and interior works, including the

electromechanical systems. Although significant progress has been achieved in this regard, several serious issues persist and are being addressed proactively by the project team to ensure the successful completion of the construction project.

7. The closure of the local quarry that produced the Dega Habis limestone planned for the building exterior has necessitated a change in the exterior cladding material. Replacement options were examined with a view to keeping the substitute as close as possible to the original design intent and to ensuring delivery within schedule and as close to budget as possible. Ultimately, the Commission selected granite imported from India. The first consignment was received in July 2012.

8. In response to concerns raised by the Commission about project slippage, the contractor advised the Commission on 8 February 2012 that it had faced serious liquidity difficulties that had resulted in delays in placing orders for materials to be imported from abroad, thereby impeding the project's progress.

9. Since the importation of materials is critical to the timely completion of the project, the Commission has been monitoring the process closely. It raised strong concerns with the contractor in November 2011 following delays in providing material submittals for approval. Subsequently, following the disclosure by the contractor in February of liquidity difficulties, and to reduce the potential adverse impact on the progress of the project caused by further delays in material importation, the Commission, the Office of Central Support Services and the Procurement Division, in collaboration with the Commercial Bank of Ethiopia, agreed upon a fast-track payment process whereby the contractor could apply for payment upon presentation of certified shipping documents, rather than upon delivery on site. In addition, having acknowledged the limited capacity of the contractor to fully coordinate the importation of materials, the Commission worked with the contractor to develop a list of material submittals to be monitored and has assigned staff to assist in coordinating with the Government to support the importation process. The above measures notwithstanding, the delayed importation of materials remains a major risk to the completion of the project on schedule and, consequently, importation is being monitored closely. An added external logistical constraint is the recent introduction by the host country of a new multimodal transport, clearing and delivery system.

10. The combination of material importation delays and logistical issues poses a serious risk to the timely completion of the construction work and puts pressure on transportation costs to expedite shipping.

11. The implementation of energy-efficient measures as part of the building construction remains on track. Such measures include occupancy sensors, a passive solar hot water system, maximum use of natural ventilation and the use of an open-office-space concept.

B. Ancillary projects

12. The ancillary projects are being undertaken in two phases. In the first phase, the activities comprise the installation of generators and a generator house, the construction of internal access roads and parking and landscaping, and were approved by the General Assembly in its resolution 62/238. In the second phase, the activities comprise the site civil and landscaping works, site electrical lighting,

sanitary works and interior partitions, and were approved by the Assembly in its resolution 56/270. The design work for the ancillary projects has been completed. Bids have been received and are currently being evaluated. Although initial indications are that the bids may be higher than current estimates, the final estimates are being determined pending negotiations with vendors and possible value engineering initiatives. Construction works are scheduled to begin in September 2012 and have been sequenced and prioritized to allow occupancy while non-critical works continue on site with minimal disruption. The required parking will be constructed at ground level instead of as a multistorey parking structure.

C. Value engineering

13. In section VII, paragraph 5, of its resolution 66/247, the General Assembly expressed concern that an estimated expenditure of $734,000 from the contingency provision had arisen, owing to an error by the architecture and construction management consultant, which had resulted in a substantial depletion of the budgeted contingency, thereby increasing the risk to the project. In the light of the increased risk, a joint value engineering exercise was undertaken by the Commission and the Office of Central Support Services. Reductions in costs totalling $522,100, primarily by making the electromechanical systems more efficient, were identified. These changes were made without adversely affecting the overall performance and aesthetic quality of the building. Value engineering will continue to be undertaken for all project activities.

D. Procurement

14. Three elevators were delivered to Addis Ababa in February 2012. Installation and commissioning will be completed by the end of August 2012, on schedule.

15. Five amendments to the construction contract have been processed to date. The first, as reported previously, was for the additional floor. During the reporting period, four additional amendments were processed. The second amendment was to incorporate the excess substructure quantities omitted in the initial bill of quantities, the first of two amendments dealing with errors in the bill that were reported previously. The third amendment was to change the external cladding (replacing Dega Habis limestone with Indian granite), while the fourth was to reflect the new payment modalities for the imported materials. The most recent amendment incorporates the second group of items that were originally omitted from the bill of quantities, savings identified in the value engineering exercise and mechanical design revisions.

16. Two generators were imported with the assistance of the host Government and arrived in Addis Ababa in April 2012.

17. The procurement process for the installation of data and communication network infrastructure has been completed. The procurement schedule for the ancillary projects remains tight, although achievable with continuous monitoring, and the procurement schedule for the interior fit-out, which includes office partitions, workstations and furniture, is on track.

E. Host country agreement

18. The voucher system for value added tax-free status in respect of local purchase of goods and services for the project continues to be implemented. The Commission has continued to work collaboratively with the host Government through the Ministry of Foreign Affairs on all issues relating to the delivery of construction materials and other services required in the interest of the operational efficiency of the construction project.

19. In accordance with the agreement on the additional office facilities with the host country, discussions are under way with utility providers to assist in establishing timely connections to the electricity network and to facilitate the provision of water connections. To this end, the host Government, through the Ministry of Foreign Affairs, has been requested to intervene to ensure the timely delivery of those services, which include two electrical transformers, switchgear, access roads, walkways, a drainage system and security lights.

20. The project is in its final stages and the support of the host Government is critical in facilitating the smooth delivery of the required infrastructure components.

F. Project management

21. The Commission's project management team, which reports directly to the Director of Administration, faces an additional burden as it strives to support the contractor in expediting importation of materials to ensure that the project is operational and delivered successfully. The Executive Secretary of the Commission continues to oversee the project. The Compound Advisory Committee, which includes representatives of all major United Nations agencies based in Addis Ababa, continues to provide advice on the project, including approval of the stacking plan for the building and the interior set-up.

22. The independent technical adviser and quantity surveyor contracted in March 2011 are advising and reporting to the Director of Administration and continuing their role in verifying executed work, contractor invoices and major change orders.

23. The respective administrative sections within the Division of Administration and the Security and Safety Section of the Commission continue to provide additional technical and administrative expertise in their respective areas for both the building construction and the ancillary projects.

24. In addition, the Office of Central Support Services continues to provide the necessary coordination, support and guidance in terms of project management and technical matters. A mission was undertaken in November 2011 by senior-level representatives from the Office and the Procurement Division to support the Commission in the overall management of the project. The Assistant Secretary-General of the Office visited the project in February 2012 and met senior representatives of the contractor and consultant companies to review the status of the project and determine solutions to problem areas, including the delay in material importation. The Office and the project management team continue to hold weekly conference calls and monthly senior management videoconferences as part of their project support.

G. Security coordination

25. The installation of security systems for the additional office facilities is being coordinated by the Security and Safety Section of the Commission as part of the security systems upgrade for the compound being executed and funded under the second phase of the standardized access control system project. The security systems are to consist of access controls, alarm monitoring and a closed-circuit television system. They will be installed during the final stages of construction and will use common infrastructure being put in place for the information and communications services, the installation of which is being coordinated by the Information Technology Services Section of the Commission.

26. As previously reported, blast-resistant film will be installed on the window glazing to meet current physical security requirements.

H. Occupancy plan

27. Through the Compound Advisory Committee, the stacking plan for the building has been approved by the Executive Secretary and acceptance letters confirming their intent and specific requirements have been received from five agencies: the United Nations Office to the African Union, the United Nations Children's Fund, the United Nations High Commissioner for Refugees Regional Liaison Office for Africa, the United Nations Office for Project Services and the World Health Organization. In addition, the United Nations Office on Drugs and Crime and the United Nations Entity for Gender Equality and the Empowerment of Women will be accommodated within the compound following the restacking of the other buildings.

28. The additional office facilities will be fully occupied by 647 staff, consistent with the requirements reported by the Secretary-General in 2007 (see A/62/487).

29. The Compound Advisory Committee has approved the open-office furniture concept planned for the building and is currently coordinating the joint purchase of that furniture. As previously reported, the cost of the interior set-up will be met by the future occupants of the facilities.

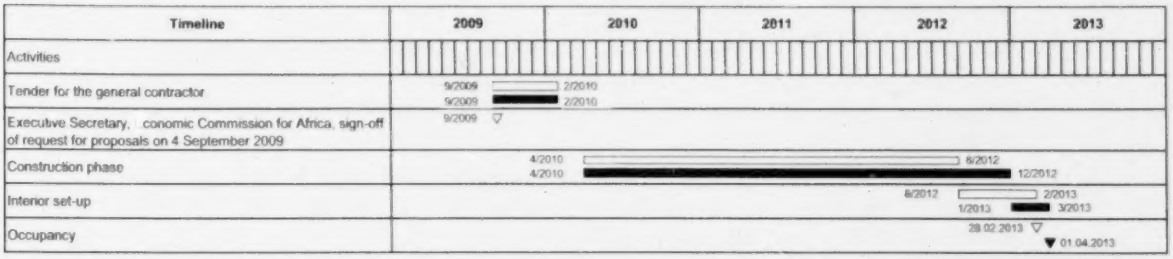
30. The future occupants receive regular updates on progress in construction and were given advance notice of the potential delays in occupancy. They have been requested to mitigate such risks by incorporating flexibility into their current lease agreements.

I. Project schedule

31. The revised project schedule is shown in the table. The construction phase has been extended by four months, with the occupancy date put back by one month. The overall impact on the project schedule is therefore a one-month delay compared with the schedule reported previously, necessitated by the contractor-generated delay in importing materials in a timely manner. The delays in ordering materials have been further exacerbated by the long lead times required for the manufacture and importation of some materials, notably electromechanical items.

32. The construction of the building is now scheduled for completion in December 2012. The project team has developed measures to minimize further schedule delays, including expediting the manufacture and importation of critical electromechanical items, scheduling a phased handover of the building to accelerate interior fit-out activities (so that occupancy remains as close to the previous schedule as possible) and facilitating phased move-in where possible.

Revised project schedule for the additional office facilities at the Economic Commission for Africa



J. Cost estimates

33. The overall project budget remains at $15,333,244, as presented in the previous report of the Secretary-General (A/66/351). A detailed breakdown of the latest cost estimate is provided in the annex to the present report.

34. As previously highlighted, of the total project budget, $1,000,145 came from the budgets of the United Nations Office to the African Union and the African Union-United Nations Hybrid Operation in Darfur. An amount of $750,000 was received in 2011 and the balance in May 2012.

35. The increased costs incurred by the amendments to the construction contract notwithstanding, the estimated total cost of the project remains unchanged because the increase has been offset by the savings realized from the value engineering exercise undertaken for the additional office facilities. Accordingly, the building construction cost has now decreased from the $9,194,940 reported previously to $8,955,775. This was the primary factor in the increase in the contingency amount from $191,186 to $421,301, creating leeway to mitigate further risks to the project.

36. As noted previously, the facts relevant to the discrepancies found in the bill of quantities resulting from an error on the part of the architectural/engineering consultant were referred to the Office of Legal Affairs, which reviewed the consultant's admission that its initial estimated quantities were erroneous and concluded that the consultant was in breach of contract and that the United Nations could therefore seek to claim reliance damages and any other extraneous costs that it had incurred as a result of that breach. The Office also noted that reliance damages might have to be offset against any increase in market value of the completed works.

37. In the light of the recommendations of the Office of Legal Affairs, the Commission informed the consultant that it intended to make a claim against it,

although no claim will be entered into until the end of the project, when the extent of the damages is known. Any decision on further action will be made immediately after the project has been completed.

K. Conclusion

38. The Commission is working proactively with the contractor to mitigate the construction delays that have occurred in order to complete the project construction work by the end of December 2012.

39. Taking into account the delays in material importation, the project team has strengthened the process of approving material submittals and continues to work diligently with the host Government to avoid further delays owing to importation restrictions.

40. The estimated date of occupancy of the building is April 2013. The Compound Advisory Committee is coordinating the interior fit-out, including the system furniture installation and other common issues.

III. Status of the renovation of Africa Hall

A. Project summary

41. In accordance with section III, paragraph 3, of General Assembly resolution 65/259, the Commission, in collaboration with the United Nations Educational, Scientific and Cultural Organization and the African Union, began its initiative to renovate Africa Hall to make it a monument to modern African history on the occasion of Commission's fiftieth anniversary. The functionality of Africa Hall was evaluated with a view to achieving a modern conference facility, incorporating exhibition and museum spaces, upgrading all furniture and conference support installations, preserving and restoring the historical and cultural values embedded in the architecture, enhancing its safety and incorporating access for persons with disabilities.

42. To achieve the above, it was considered essential to acquire the services of a team of specialized professional consultants to produce a coordinated design (architectural, structural, mechanical, electrical, information and communications technology, interior design and quantity surveying) and thus achieve the required quality of renovation.

43. Following the issuance of the previous report of the Secretary-General, the Commission finalized the terms of reference for the required consultancy services and the procurement process is in its final stages. Once the consultant has produced a final report, providing the design and specification of the necessary renovation works, the Commission will assess the programme and project scope, determine the duration of the project and identify the resources required. The Secretary-General will present his proposal thereon to the General Assembly once the consultancy has been concluded and the results considered.

44. The Commission's initial assessment is that future restoration and renovation works will include replacing the elevators, protecting the exterior stone, repairing

the window gaskets and sealants and replacing the galvanized piping and the deteriorating sanitary fixtures.

B. Project schedule

45. The Secretary-General requested resources of $437,000 in the proposed programme budget for the biennium 2012-2013 (A/66/6 (Sect. 34)) for the first phase of the renovation of Africa Hall, to undertake urgent structural tasks such as roof waterproofing, perimeter wall repair and replacement of outdated plumbing and electrical systems. The resources were approved by the General Assembly and the waterproofing of the terrace and roof slab works have been completed. The Commission will use the remaining resources to contract a team of professional consultants and to complete the most pressing electromechanical and architectural works for the remainder of the biennium.

IV. Action to be taken by the General Assembly

46. **The General Assembly is requested to take note of the present report.**

Annex

Current cost plan for the construction of additional office facilities at the Economic Commission for Africa

(United States dollars)

	Expenditure as at 31 December 2011	*Expenditure January-April 2012*	*Projected expenditure May-December 2012*	*Estimated total for 2012*	*Total*
Approved in resolutions 56/270 and 60/248					
Construction costs[a]	7 189 295	1 571 868	194 612	1 766 480	8 955 775
Design, consultancy services and project coordination	1 472 849	5 346	56 356	61 702	1 534 551
Site work[b]	160 682		1 048 335	1 048 335	1 209 017
Workstations and furniture			262 800	262 800	262 800
Contingencies[c]			421 301	421 301	421 301
Approved in resolution 63/263 (programme budget for the biennium 2008-2009)					
Installation of information technology and telephone equipment			1 100 000	1 100 000	1 100 000
Approved in resolution 62/238					
Safety and security[d]	759 800				759 800
Internal access roads[e]			130 000	130 000	130 000
Parking and landscaping[e]			660 000	660 000	660 000
Generators and generator house[e]	155 245		144 755	144 755	300 000
Total	**9 737 871**	**1 577 214**	**4 018 159**	**5 595 373**	**15 333 244**

[a] Construction costs include the main contract value of $7,451,745, as signed on 1 April 2010; additional resources totalling $1,000,145 from the budgets of the United Nations Office to the African Union and the African Union-United Nations Hybrid Operation in Darfur for the top floor; and amendments 1-5 totalling $1,025,985, less the value engineering savings of $522,100.

[b] Ancillary projects phase II.

[c] Budgeted contingency of $925,186 is shown here at a residual value of $42 ,301 (higher than the $191,186 reported in 2011) as a result of savings from value engineering.

[d] Resources in the amount of $759,800 for security requirements were approved under section XXIII, safety and security, in resolution 62/238 as part of the programme budget for the biennium 2008-2009.

[e] Ancillary projects phase I.

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Construction of additional office facilities at the United Nations Office at Nairobi

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 66/247, in which the Assembly endorsed the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/66/7/Add.3), the present report provides the outcomes of a post-completion review of the construction of the additional office facilities at the United Nations Office at Nairobi that was conducted to assess the implementation of the project, including a comparison between actual and forecast costs and benefits, an analysis of planned versus actual space utilization of the additional office facilities, a review of the assumptions formulated at the outset of the project and the adaptations made over the implementation period, and an assessment of the procedures used to ensure the successful completion of the project. It is intended to provide the Organization with useful lessons and input as it plans the expansion of office facilities at other duty stations in the context of current construction and renovation projects.

In addition, the report responds to the request to the Secretary-General by the Advisory Committee to provide the reasons that prevented some United Nations offices present in Nairobi from relocating to the United Nations Gigiri compound as envisaged.

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I. Completion of construction of additional office facilities at the United Nations Office at Nairobi

1. The construction of the new office facility at the United Nations Office at Nairobi began on 4 May 2009 with a scheduled substantial completion date in December 2010. The construction contract will be completed after the final payments are made in September 2012.

2. The construction of the facility concluded on time and substantial completion was achieved on 31 December 2010.

3. The United Nations Environment Programme (UNEP) and the United Nations Human Settlements Programme (UN-Habitat) moved into the new office facility between January and April 2011, before the sessions of the governing councils of both programmes, which were held in February and April 2011, respectively.

4. The formal inauguration of the new office facility took place on 31 March 2011 and was presided over by the Secretary-General and the President of Kenya.

5. Once UNEP and UN-Habitat had vacated their original offices, the United Nations Office at Nairobi began to reallocate those offices to other United Nations agencies, funds and programmes that had insufficient office space in the United Nations complex or were renting commercial office space outside the complex. The reallocation of those offices began in early 2011 and was completed by the end of the year.

II. Post-completion review

A. Cost review

6. The final project costs are summarized in table 1. A detailed financial breakdown including cash flows is provided in annex I to the present report. As shown in table 1, additional funds were required for construction costs and architects' fees as a result of currency fluctuations. Those increased requirements were offset by savings made on internal project supervision and management. A significant portion of the approved budget remains unspent ($1,289,663).

Table 1
Final project costs for the construction of new office facilities at the United Nations Office at Nairobi
(United States dollars)

Costs	*Estimates in first report (A/62/794)* (a)	*Estimates in second report (A/64/486)* (b)	*Estimates in third report (A/65/351)* (c)	*Estimates in previous report (A/66/336)* (d)	*Total cost* (e)	*Change compared with previous report* (e) - (d)
Construction costs	18 700 000	18 931 493	19 980 000	19 980 000	20 270 000	290 000
Architects' fees	1 977 000	1 977 000	1 976 792	2 086 792	2 176 792	90 000
Project supervision and management	1 423 000	1 423 000	1 423 363	1 423 363	1 296 053	(127 310)
Other costs						
Borrowing costs (interest incurred on loan from UNEP)	163 000	163 000	163 045	163 045	163 045	–
Security requirements	1 119 200	1 119 200	56 647	56 647	56 647	–
Contingency (10 per cent of building cost)	1 870 000	1 638 307	1 652 353	1 542 353	–	(1 542 353)
Total project cost estimate	**25 252 200**	**25 252 200**	**25 252 200**	**25 252 200**	**23 962 537**	**(1 289 663)**

7. The above represents the final cost of the project ($23,962,537), given that final payments will be made by September 2012. The new office facility has been completed at a cost that was $1,289,663 below the approved budget of $25,252,200. Of the approved contingency amount of $1,870,000, 69 per cent was unused.

8. Rental income in Nairobi over and above the final project cost will revert, in full, to income section 2 of the programme budget for the biennium 2012-2013 in keeping with the practice prior to the construction project and will be reported in the context of the second performance report for 2012-2013 (see A/66/6 (Income Sect. 2)).

B. Analysis of benefits

9. In its resolution 44/211, the General Assembly requested all organs, organizations and bodies of the United Nations system to make, without delay, the necessary arrangements, in cooperation with host Governments and without additional cost to developing countries, to establish common premises at the country level. In line with that resolution, in 2001, the Secretary-General identified a need for additional space if all United Nations offices located outside the United Nations complex in Nairobi were to be relocated within the complex, which then housed 27 regional, country and other offices of United Nations funds, programmes and agencies. Owing to the limited office space available at the complex, a further 44 United Nations offices were required to rent commercial office accommodations outside the complex. Accordingly, it was considered that new construction would be the most practical solution to overcome the office space shortage identified.

10. The full benefits of the project have now been realized. The United Nations Office at Nairobi confirmed the expanded office space requirements in 2008 for

existing tenants at the Gigiri complex, in addition to those of all other United Nations programmes, funds and agencies based outside the complex that sought to relocate to the complex but were unable to do so owing to the scarcity of office space. The General Assembly approved the construction project in 2009 to satisfy those requirements. As detailed in the following analysis of space utilization, although the space requirements of the planned tenants of the building have changed since 2009, the new office facility fully satisfied the space requirements of all programmes, funds and agencies in Nairobi at the time of occupancy in 2011.

C. Analysis of space utilization

11. The table in annex II to the present report lists the United Nations programmes, funds and agencies that originally showed interest in moving to the Gigiri complex. It also reflects those that have now moved into the complex, those that did not move into the complex and additional programmes, funds and agencies not originally included in the space forecast that subsequently requested space and have since moved into the complex. Table 2 provides a comparison of the current space allocation against the space allocation projected in the 2008 report of the Secretary-General (A/62/794), indicating the amount of office space actually allocated to existing and new United Nations programmes, funds and agencies.

Table 2
Comparison of projected and final space allocation
(Square metres)

United Nations programmes, funds and agencies	*Office space requirements projected in A/62/794 (2008)*	*Actual office space required (2012)*	*Change to office space requirements*	*Change to office space requirements (percentage)*
Existing tenants	33 027	34 234	1 207	104
New tenants (included in A/62/783)	10 237	5 214	(5 023)	51
New tenants (not included in A/62/783)		4 764	4 764	47
Total	**43 264**	**44 212**	**948**	**102**

12. In summary, the new office facility is now occupied at capacity. Of the space required, 102 per cent was provided and is being used.

13. Eight entities included in the original space projection prepared in 2008 moved to the compound in 2011, utilizing 5,214 m^2 of the 10,237 m^2 projected for new tenants (51 per cent). Although another 10 entities included in the original space projection did not move to the compound in 2011, 11 new entities not included in the original space projection did do so, utilizing an additional 4,764 m^2 of the 10,237 m^2 projected for new tenants (47 per cent). In aggregate, the new tenants were ultimately allocated 9,978 m^2, compared to the 10,237 m^2 projected (98 per cent). In addition, the total requirements of the existing tenants increased from the 33,027 m^2 projected to 34,234 m^2 (equivalent to 1,207 m^2, or 4 per cent, greater than the original projection). The additional 1,207 m^2 of space required by the existing tenants was partially covered by the underutilization of space by the new tenants (259 m^2) and the required balance of 948 m^2 of space was obtained through better utilization of existing space (optimization through an open-office configuration) and the conversion of some common areas to office space (such as 300 m^2 of space

behind conference rooms being converted to office space for the United Nations Dispute Tribunal).

14. Four of the eight entities that had shown interest in moving to the complex in 2008 (the African Management Services Company Regional Office for East Africa, the Department of Economic and Social Affairs, the Office for the Coordination of Humanitarian Affairs Sudan Office and the World Meteorological Organization Subregional Office for Eastern and Southern Africa) subsequently chose not to do so, without providing specific reasons.

15. The other four entities (the Office of the United Nations High Commissioner for Refugees (UNHCR) Somalia Branch Office, the United Nations Development Programme (UNDP) Somalia Office, the World Food Programme (WFP) Somalia Office, and the World Health Organization (WHO) Kenya Office, the WHO Somalia Office and the WHO Sudan Office) did not move to the complex. Both the UNDP Somalia Office and the WFP Somalia Office explained that the investments already made at their existing premises (including office facilities, security and telecommunication installations and logistics facilities) made it prohibitive to consider moving and, given their strategic intention to ultimately move parts of their operations to Somalia, relocation to the Gigiri complex was considered to be cost-ineffective. Although the WHO Kenya Office confirmed its interest in moving by the end of 2011, it subsequently informed the United Nations Office at Nairobi in early 2012 that its Regional Office for Africa would not allow the move owing to financial constraints being experienced by WHO. The WHO Somalia and Sudan offices reported a need to seek other premises owing to information technology system incompatibility and the costs involved in moving. UNHCR confirmed that it had identified a suitable building to accommodate its Kenya Branch Office, and in the light of that development, the Somalia Branch Office chose to remain in its current premises in close proximity to the Kenya Branch Office.

16. Of the 11 new tenants not included in the original space projection, most were new offices established in Kenya subsequent to the space projection presented in the 2008 report of the Secretary-General, including the Monitoring Group on Somalia and Eritrea, the Office of the Ombudsman, the United Nations Dispute Tribunal, the United Nations Support Office for the African Union Mission in Somalia and the WFP Regional Bureau for East, Central and Southern Africa. The other new tenants with established offices in Kenya in 2008 had not planned to move to the complex when the original space projection was prepared, but have since relocated to the complex.

D. Procedures used to ensure successful completion of the project and lessons learned for future expansions

17. A summary of the key lessons learned from the project, including procedures that ensured successful completion, is provided below.

18. Allowing sufficient time for project consultants and industry experts (architects, engineers and quantity surveyors) to prepare contract and construction documents and cost estimates is considered crucial to the project's success.

19. The hiring of a dedicated project management team is critical, and financial provision was made for this in the project budget. A dedicated and appropriately

experienced project management team should be recruited early in the planning phase of the project, and experience acquired with the Gigiri complex project suggests that indicative costs should be in the order of 10 per cent of total construction costs. This estimate will vary according to the size and complexity of the project. It is also important, however, to ensure that regular facilities staff, who will ultimately assume responsibility for the maintenance and management of the new construction after completion, remain closely involved with the project throughout the design and construction phases. A dedicated project management team should be in place until the end of the defect liability period and not only until the end of the construction period.

20. The establishment of an effective organizational and management structure, with guidance and support from Headquarters (Office of Central Support Services), facilitated the successful planning and execution of the project.

21. The establishment of a working group, involving all stakeholders at the local level (in this case, the United Nations Office at Nairobi, UNEP and UN-Habitat) and providing guidance to the Director-General of the Office in making decisions on the project, was also a key factor in the project's success. This contributed to establishing effective controls over the planning and execution of the project.

22. The budget should include a contingency amount of approximately 10 per cent of the total construction costs, once the project has reached the construction phase, so as to include aspects such as project construction works, standard contingencies and currency fluctuations.

23. The continuity of stakeholders and key staff from design to completed construction was a significant advantage and contributed to the success of the project.

24. The associated costs of interior fit-out, and the logistics involved in moving to the new building, including the coordination of information technology equipment and furniture, should be estimated and included in the budget, as this area involves significant management staffing and other activities that require resources.

25. Design objectives and functional requirements should be clearly defined from the outset of a project or at least during the design phase, given that changes made during the construction period pose a risk to the completion schedule and cost of the project.

26. Lastly, standard United Nations construction contracts should contain a mechanism for referencing local forms of contract, as appropriate.

27. Lessons learned from the project are being managed by the Office of Central Support Services, in its capacity as a central repository of lessons learned from all major capital construction projects undertaken by the Secretariat. The lessons learned are directly applied to similar capital projects under way, in particular in relation to the provision of technical guidance and support to those projects by the Office, and are more generally promulgated through the Inter-Agency Network of Facilities Managers.

III. Action to be taken by the General Assembly

28. **The General Assembly is requested to take note of the report.**

Annex I

Final cost plan for the construction of additional office facilities at the United Nations Office at Nairobi

(United States dollars)

	Expenditure as at 31 December 2010	*Expenditure 2011*	*Expenditure 2012*	*Total*
Income				
Balance brought forward	–	(1 006 596)	2 443 541	–
Rental income	18 511 468	4 331 897	5 552 192	28 395 557
Interest income	1 631 986	55 840	–	1 687 826
Total income	**20 143 454**	**3 381 141**	**7 995 733**	**30 083 383**
Disbursements				
Construction costs	17 888 037	680 287	1 701 676	20 270 000
Architects' fees	1 926 792	76 789	173 211	2 176 792
Previous architects' fees	476 792	–	–	476 792
New architects' fees	1 450 000	76 789	173 211	1 700 000
Project supervision and management	1 115 529	180 524	–	1 296 053
Project management costs	1 059 917	180 524	–	1 240 441
UNON travel	–	–	–	–
OCSS project management	55 612	–	–	55 612
Other costs	219 692	–	–	219 692
Borrowing costs (interest incurred on loan from UNEP)	163 045	–	–	163 045
Security requirements	56 647	–	–	56 647
Contingencies	–	–	–	–
Total disbursements	**21 150 050**	**937 600**	**1 874 887**	**23 962 537**
Income after disbursements	(1 006 596)	2 443 541	6 120 846	6 120 846

Abbreviations: OCSS, Office of Central Support Services; UNEP, United Nations Environment Programme; UNON, United Nations Office at Nairobi.

Note: The above table illustrates that the amount of income over and above the total requirements for the construction of the additional office facilities that will revert to income section 2 of the programme budget for the biennium 2012-2013, general income, is $6,120,846. A comparison of the total cost of the project against the approved budget is shown in table 1.

Annex II

Space analysis of planned versus actual use at the United Nations Office at Nairobi complex

	United Nations agencies, programmes and funds	*Included in the A/62/794 space forecast and moved to the Office complex in 2011*	*Included in the A/62/794 space forecast and did not move to the Office complex in 2011*	*New: not included in the A/62/794 space forecast but did move to the Office complex in 2011*
1	Food and Agriculture Organization of the United Nations Emergency Centre for Transboundary Animal Diseases	X		
2	Food and Agriculture Organization of the United Nations Subregional Office for Emergencies	X		
3	Food and Agriculture Organization of the United Nations, Kenya	X		
4	International Labour Organization, Kenya	X		
5	Office for the Coordination of Humanitarian Affairs, Integrated Regional Information Network	X		
6	Office for the Coordination of Humanitarian Affairs, Subregional Office	X		
7	United Nations Children's Fund, Somalia	X		
8	United Nations Political Office for Somalia	X		
1	Africa Adaptation Programme			X
2	Drylands Development Centre			X
3	International Fund for Agricultural Development			X
4	International Labour Organization, Somalia			X
5	Millennium Campaign, Africa Regional Office			X
6	Monitoring Group on Somalia and Eritrea			X
7	Office of the Ombudsman			X
8	United Nations Dispute Tribunal			X
9	United Nations Population Fund Somalia Office			X
10	United Nations Support Office for the African Union Mission in Somalia			X
11	World Food Programme Regional Bureau			X

	United Nations agencies, programmes and funds	*Included in the A/62/794 space forecast and moved to the Office complex in 2011*	*Included in the A/62/794 space forecast and did not move to the Office complex in 2011*	*New: not included in the A/62/794 space forecast but did move to the Office complex in 2011*
1	African Management Services Company Regional Office for East Africa		X	
2	Department of Economic and Social Affairs		X	
3	Office for the Coordination of Humanitarian Affairs Sudan Office		X	
4	United Nation High Commissioner for Refugees Kenya Branch Office, Regional Support Hub and Somalia Branch Office		X	
5	United Nations Development Programme Somalia Office		X	
6	World Food Programme Somalia Office		X	
7	World Health Organization Kenya Office, Somalia Office and Sudan Office		X	
8	World Meteorological Organization Subregional Office for Eastern and Southern Africa		X	

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General Assembly

Distr.: General
19 June 2012

Original: English

Sixty-seventh session
Item 104 of the preliminary list*
Crime prevention and criminal justice

Crime prevention and criminal justice

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly, pursuant to Assembly resolution 65/169, the report of the Conference of the States Parties to the United Nations Convention against Corruption on its fourth session, held in Marrakech, Morocco, from 24 to 28 October 2011 (CAC/COSP/2011/14).

* A/67/50.

V.12-54259 (E) 150812 160812

Please recycle

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General Assembly

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Sixty-seventh session
Item 10 of the provisional agenda*

Return or restitution of cultural property to the countries of origin

Note by the Secretary-General

The Secretary-General hereby transmits the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the return or restitution of cultural property to the countries of origin, in accordance with General Assembly resolution 64/78.

* A/67/150.

12-44878 (E) 280812

Please recycle

Report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the action taken by the organization on the return or restitution of cultural property to the countries of origin

Summary

The present report provides an overview of the activities undertaken by the United Nations Educational, Scientific and Cultural Organization in fighting the illicit trafficking of cultural property and promoting the return of such property to the countries of origin or its restitution in case of illicit appropriation, since the last report submitted to the General Assembly on the matter, in 2009 (A/64/303).

I. Introduction

1. The present report is presented pursuant to General Assembly resolution 64/78, in which the Assembly requested the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), to submit to it, at its sixty-seventh session, a report on the implementation of the resolution. The report contains information on the period between 2009 and 2012.

II. Ratifications of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

2. Since 2009, Equatorial Guinea, Haiti, Kazakhstan, and Palestine have become parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1970, bringing the total number of States parties to 122.[1]

3. Furthermore, over the same period, Colombia, Denmark, Panama and Sweden have become parties to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law (UNIDROIT) in 1995, thus raising the number of States parties to 33.

III. Meetings of States parties

4. The secretariat actively supported the International Institute for the Unification of Private Law in the organization of its first meeting of the Special Committee to review the practical operation of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, held at UNESCO headquarters, on 19 June 2012, and strongly encourages the ratification of the Convention. Together with the Italian Carabinieri, UNESCO organized, for the first time in its history, an exceptional exhibition of stolen and retrieved cultural objects, which was officially inaugurated on 19 June 2012.

5. The second meeting of the States parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, held at UNESCO headquarters, on 20 and 21 June 2012, established two institutional mechanisms: a meeting of States parties, to be held every two years, and the creation of a subsidiary committee of the meeting of the States parties, made up of 18 members, that is to be convened by the secretariat every year. The main functions of the committee will be to:

(a) Review national reports presented to the General Conference by the States parties to the Convention;

[1] For further information on ratification changes, see document C70/012/2.MSP/INF.2.

(b) Exchange best practices and prepare and submit recommendations and guidelines to the meeting of the States parties that may contribute to the implementation of the Convention;

(c) Identify problem areas arising from the implementation of the Convention;

(d) Initiate and maintain coordination with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation relating to capacity-building measures in the fight against the illicit trafficking of cultural property.

6. The sixteenth, seventeenth and eighteenth sessions of the Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in case of Illicit Appropriation were convened in September 2010, June-July 2011 and June 2012, respectively (for the recommendations adopted at each session, see annexes I, II and III to the present document).

IV. Development of legal and practical tools

7. In recent years, UNESCO and its partners have developed and improved several major legal, practical and awareness-raising tools in order to facilitate and improve the implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Database of National Cultural Heritage Laws

8. Officially launched in 2005, the database currently comprises 2,367 national cultural laws from 180 countries. All of these texts are available online at www.unesco.org/culture/natlaws. Despite this extensive list, States are still strongly encouraged to submit their national cultural heritage legislation for inclusion in the database.[2] The updates and costs related to translations and publications are funded by the State Department of the United States of America.

Basic actions concerning cultural objects being offered for sale over the Internet

9. Created in 2007, in cooperation with the International Criminal Police Organization (INTERPOL) and the International Council of Museums, the measures concerning cultural items being offered for sale over the Internet[3] are available to States wishing to follow specific procedures in order to control the sale of cultural items on the Internet.

[2] States are invited to provide information officially to the United Nations Educational, Scientific and Cultural Organization (UNESCO), in electronic format, together with official written authorization from the competent national authority for UNESCO to reproduce the legislation and the export/import certificates on its website and to link the website to the official national website, unless it is expressly specified that such a link is prohibited or not desired.

[3] Available from: www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/illicit-traffic-of-cultural-property/legal-and-practical-instruments/.

Model export certificate for cultural objects

10. Developed in 2007 jointly by the secretariats of UNESCO and the World Customs Organization, the model export certificate[3] is a tool for combating trafficking in cultural property. Both organizations recommend that their member States consider adopting it as an international standard, as it is specially adapted to the growing phenomenon of cross-border movements of cultural objects.

Witnesses to History — Documents and writings on the return of cultural objects

11. In 2009, the organization published *Witnesses to History — Documents and writings on the return of cultural objects*,[4] as a scientific publication giving historical, philosophical and legal insights into the return of cultural property. The secretariat is seeking support from the States concerned for the Russian and Spanish versions.

Audiovisual materials

12. Since 2010, the secretariat has produced a documentary[5] portraying the action taken by UNESCO and its main partners to combat the trafficking of cultural property and a film[5] regarding specific activities in South-East Europe. A series of video clips[5] designed to alert the general public in Africa and Latin America of the dangers of such trafficking has also been produced. Depending on available resources, the clips will also be customized for use in other countries and regions. This project has been implemented owing to extrabudgetary contributions from the Netherlands and Switzerland.

Model provisions on State ownership of undiscovered cultural objects

13. In 2011, the International Institute for the Unification of Private Law and UNESCO drafted model legislative provisions defining State ownership of undiscovered archaeological heritage. This legal framework could guide the drafting of national laws and promote standardization and uniformity in terminology in order to ensure that all Governments adopt sufficiently explicit legal principles on the subject.

Cultural heritage protection handbook No. 6 on securing heritage of religious interest (2012)

14. A new handbook in the series was published in 2012, on the topic of securing heritage of religious interest.[6] The secretariat contributed and the Works of Art Unit of INTERPOL participated actively in the endeavour.

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[4] Lyndel V. Prot., editor, *Witnesses to History — Documents and writings on the return of cultural objects*, UNESCO, 2009. See www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/restitution-of-cultural-property/witnesses-to-history-documents-and-writings-on-the-return-of-cultural-objects/#c200061.

[5] Available from www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/illicit-traffic-of-cultural-property/videos/.

[6] Available from http://unesdoc.unesco.org/images/0021/002162/216292E.pdf.

V. Training

15. Since 2009, UNESCO has organized 15 training workshops for the benefit of African, Latin American, Asian, Arab and European States The secretariat has increased its training and capacity-building activities during the biennium 2012-2013, in all regions.[7]

VI. International cooperation

Cooperation with governmental and non-governmental organizations

16. Since 2007, cooperation between UNESCO and such partners as INTERPOL, International Institute for the Unification of Private Law, the World Customs Organization, the United Nations Office on Drugs and Crime (UNODC), the International Council of Museums, the specialized Italian police corps, and France's Office central de lutte contre le trafic de biens culturels, and with UNESCO member States has been growing steadily, in such areas as the fight against trafficking of cultural property and the development and implementation of tools for the return and restitution of cultural property, training and awareness-raising.

The art market

17. The organization has strengthened its collaboration with the art market. New professional contacts have been made and, since 2008, an in-depth dialogue has developed between the secretariat and representatives of the international art market. The goal of the ongoing dialogue is, on the one hand, to encourage better understanding of the functioning of the art market, and on the other, to ensure recognition of the concerns of member States about the movement of works of art and issues relating to the restitution of cultural property. Furthermore, at the initiative of the Director-General of UNESCO, discussions are underway with the international art world in order to improve practices and raise awareness in such areas as provenance investigations, ethics, restitution procedures and knowledge of the international legal framework.

European Union

18. In 2011, a team of European researchers were invited to draft a feasibility study (entitled "Hermes 2011") on the means of preventing and combating trafficking in cultural goods for the Directorate-General for Home Affairs of the European Commission. The project was implemented with support from UNESCO, the International Institute for the Unification of Private Law, INTERPOL and European universities.[8] Following that study, in December 2011, the Council of the European Union adopted its conclusions on preventing and combating crime against cultural goods.[9]

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[7] For an overview of training workshops, see the table in document C70/12/2.MSP/INF.2 (Annex II) and see also document C70/12/2.MSP/5.

[8] Available from: http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/general/index_en.htm.

[9] Adopted at the 3135th meeting of the Justice and Home Affairs Council (Brussels, 13 and 14 December 2011), more information available from: www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/126932.pdf.

VII. Emergency activities

Protection of cultural heritage in Haiti

19. In the immediate aftermath of the earthquake, in January 2010, UNESCO established a crisis unit and dispatched a mission to Port-au-Prince. Preventive action was taken to ban temporary trading in and transfers of Haitian cultural property suspected of being stolen. INTERPOL, the World Customs Organization and national specialized police forces were alerted to be particularly watchful over items exported from Haiti.

Protection of cultural heritage in Egypt, Tunisia and Libya

20. On 15 March 2011, an emergency technical meeting on the protection of cultural heritage in Egypt, Tunisia and Libya was held. As a result of that meeting, UNESCO, assisted by the International Council of Museums, dispatched a special mission of experts to Cairo to assess needs in the museum sector and make contact with national authorities in order to protect Egyptian cultural heritage. INTERPOL was requested to register stolen cultural objects in its database of stolen objects. A mission was sent to Tunisia to contact the new culture officials, make a preliminary assessment of the situation on the ground and improve the action plan adopted at the emergency meeting of 15 March 2011.

Protection of cultural heritage in the Syrian Arab Republic and Mali

21. The Director-General issued press releases in April and May 2012 concerning the critical situation in the Syrian Arab Republic and Mali. Among other things, the press releases called attention to the obligations under the Convention for the Protection of Cultural Property in the Event of Armed Conflict (signed at The Hague in 1954), as well as the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

22. The Chair of the Committee for the Protection of Cultural Property in the Event of Armed Conflict, an intergovernmental body created by the Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, also alerted the relevant authorities of Mali and the Syrian Arab Republic to the need to respect cultural property under article 4 of the Convention. The article, entitled "Respect for cultural property", holds parties responsible for, among other things, "prohibit[ing], prevent[ing] and, if necessary, put[ting] a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property".

23. The disturbing situation in Mali and the Syrian Arab Republic has been brought to the attention of INTERPOL and the World Customs Organization, as well as that of the French and Italian special police forces. UNESCO has also alerted neighbouring countries of both States of the increased probability of illicit trafficking.

24. Concerning Mali, the Director-General also specifically drew the attention of the President of the African Union Commission to the state of Malian cultural heritage and, in particular, that of the Timbuktu and Gao World Heritage sites. Similar representations were made to the current Chair of the Economic Community of West African States.

25. From 18 to 20 May 2012, an emergency UNESCO mission composed of the Assistant Director-General for Africa, the Director of the World Heritage Centre and the Chief of the Africa Unit of the World Heritage Centre travelled to Mali. The purpose of that mission was to hold talks with the competent authorities of Mali in order to find ways and means of saving the country's cultural heritage.

26. The Director-General contacted the Director General of the Islamic Educational, Scientific and Cultural Organization in order to call on that organization to exercise further pressure for the protection of Malian cultural heritage.

VIII. Celebration of the fortieth anniversary of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

27. On 15 and 16 March 2011, the fortieth anniversary of the Convention was celebrated at UNESCO headquarters.[10] To mark the occasion, the Secretariat held an international round-table discussion on trafficking in cultural property, organized a press conference, and welcomed a group of experts in order to appraise the effectiveness of the Convention and to design strategies in order to improve its implementation in response to the new forms of cultural heritage trafficking (see annex I, recommendation No. 7 as adopted by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation at its sixteenth session).

IX. Support from States parties

Belgium

28. Since its ratification of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property in 2009, Belgium has actively supported the Convention's secretariat. In 2011 and 2012, extrabudgetary contributions were made available to strengthen the secretariat's human resources.

Czech Republic

29. Workshops have been held and materials promoting Iraqi heritage have been developed, since 2009, with funding from the Czech Republic, in cooperation with the office of UNESCO in Baghdad. The new educational tools are designed to raise awareness, particularly among children, of the importance of preserving the country's cultural heritage.

Italy

30. The Italian police force is an important institutional partner in training workshops conducted for countries or regions. At the beginning of 2012, Italy

[10] The final report on the meeting (CLT/2011/CONF.207/8 REV) is available at: http://unesdoc.unesco.org/images/0019/001927/192779E.pdf.

seconded a police officer specialized in combating trafficking in cultural property to the secretariat of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, for a period two years. Furthermore, the Italian authorities, the Italian police force and UNESCO held a unique exhibition of some 30 stolen and recovered cultural items in the summer of 2012 at UNESCO House, to highlight the work of the Italian police force and international cooperation in combating trafficking in cultural property.

Monaco

31. Monaco's cooperation agency provides financial support for a UNESCO capacity-building project in Mongolia in the field of heritage protection, covering the period from 2010 to 2013. The main goal of the three-year project is to build Mongolia's capacities to combat trafficking in its cultural property by strengthening its operational capacities and by conducting activities to raise the awareness of target groups such as legal experts, police officers and museum professionals.

The Netherlands

32. Since 2009, the Ministry of Education, Culture and Science of the Netherlands has provided financial support for several promotional projects and awareness-raising initiatives against trafficking in cultural property. Video clips tailored to Africa and Latin America have been produced, for example, to alert the general public to the dangers of such trafficking and to make tourists and local people aware of the importance of protecting cultural heritage.

Switzerland

33. Most awareness-raising projects (publications, films, celebration of the fortieth anniversary of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property) have been funded by Swiss authorities, and training workshops will be held in Egypt as a result of financial support from Switzerland, which has been crucial to many projects. In 2012, UNESCO and the Faculty of Law of the University of Geneva signed an agreement establishing a position of Chair in "International law of the protection of cultural heritage", which will be inaugurated at the beginning of the academic year 2012-2013. It will have two components, namely, teaching and research, and its purpose is to enrich the courses on offer and encourage training in this subject area.

United States of America

34. The Department of State of the United States of America is one of the major sources of financial support for the activities of the secretariat of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The Database of National Cultural Heritage Laws has been wholly funded by the United States of America. That tool, which has acknowledged as crucial to combating trafficking in cultural property, has been improved and updated regularly since 2005 under funds-in-trust from the United States of America.

X. Mobilizing extrabudgetary resources to strengthen the secretariat of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

35. In recent years, the secretariat has intensified its efforts to promote the Convention. In part, this has meant securing adequate human and financial resources in order to be able to address existing challenges and ensure efficiency in its implementation. In this context, the General Conference of UNESCO decided, at its thirty-sixth session, in 2011, to allocate additional funding to programmes pertaining to the Convention. However, in the current difficult budgetary situation faced by UNESCO, the Director-General decided, in March 2012, to allocate additional extrabudgetary funds.

XI. Recommendations

36. The recommendations adopted by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation at its sixteenth, seventeenth and eighteenth sessions are included in annexes I, II and III to the present report.

Annex I

Recommendations adopted by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation at its sixteenth session

Headquarters of the United Nations Educational, Scientific and Cultural Organization, 21 to 23 September 2010

Recommendation No. 1

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Acknowledging the relevant recommendations of the United Nations Educational, Scientific and Cultural Organization (UNESCO) expressing its continuing concern for a solution to the issue of the Parthenon Sculptures,

1. *Acknowledges* with great satisfaction the opening and inauguration on 20 June 2009 of the new Acropolis Museum with its special hall for the Parthenon Sculptures in direct visual contact with the monument;

2. *Thanks* Greece for inviting the Director-General of UNESCO and representatives from the United Kingdom of Great Britain and Ireland to the inauguration ceremony of the museum;

3. *Takes note* that, on the opening of the museum, three sculptural fragments were exhibited, which had been returned from the University of Heidelberg and loaned from Italy and the Vatican to Greece to be co-exhibited in the Parthenon Hall with the original sculptures from which they were detached;

4. *Acknowledge* the fruitful cooperation between Greece and the United Kingdom on cultural matters and expresses the wish that this should continue with a view to concluding the ongoing discussions in respect of the Parthenon Sculptures;

5. *Takes note* that Greece invites the United Kingdom to collaborate with Greece in exhibiting all the Parthenon Sculptures from their respective collections in the new Acropolis Museum;

6. *Invites* the Director-General to assist in convening the necessary meetings between Greece and the United Kingdom, with the aim of reaching a mutually acceptable solution to the issue of the Parthenon Sculptures.

Recommendation No. 2

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling the request of Turkey for the Sphinx of Boğazköy, which is currently on display in the Berlin Museum,

Noting the legal and cultural arguments, that have been made by both States concerned over a number of years,

Recalling the previous recommendations adopted by the Committee on this question at its sixth session and at its tenth to fifteenth sessions,

Acknowledging the continuing concern of Turkey for the long-awaited resolution of the issue of the Sphinx,

Noting that Turkey has transmitted a new dossier to Germany regarding the Sphinx during the seventeenth session of the Turkish-German Joint Cultural Commission Meeting, which took place in Ankara on 16 and 17 October 2006,

Recalling that the issue of the return of the Sphinx is a pending agenda item of the Committee since 1987,

Noting with satisfaction that the 7,400 cuneiform tablets which were part of the original request of Turkey from the German Democratic Republic were returned in November 1987, following the fifth session of the Committee, held in April 1987, and were inscribed in the Memory of the World Register of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2001,

Hoping that the close cooperation in the field of culture between the two countries will facilitate the solution of the Boğazköy Sphinx issue,

Noting also that the Boğazköy Sphinx was situated at Boğazköy (Hattusha) where it was excavated, which was the capital of the Hittite Empire and is currently inscribed in the World Heritage List of UNESCO,

1. *Expresses* its hope that the pending request of Turkey with regard to the issue of the Sphinx will be solved through bilateral negotiations;

2. *Takes note* of the fact that the last bilateral negotiations on the issue took place on 19 November 2002 in Berlin, without reaching a solution;

3. *Takes note* that the issue was mentioned during an informal contact between the two parties in March 2010, during the Berlin Tourism Fair;

4 *Invites* both parties to hold comprehensive bilateral negotiations as soon as possible with a view to bringing the issue to a mutually acceptable solution, and notes that, in the context of the present Committee meeting, Turkey has proposed to hold an expert meeting in Ankara, with Germany, by the end of 2010;

5. *Invites* the parties to keep the Committee informed of the issue;

6. *Also invites* the Director-General to continue her good offices towards the resolution of this issue and to report to the Committee at its seventeenth session.

Recommendation No. 3

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Acknowledging the obstacles faced by many countries in applying for restitution of cultural property, especially when it comes to materials from cultural sites where there is no inventory or provenance documentation, in particular objects coming from illicit excavations,

Recalling the importance for States that claim ownership of certain cultural objects to have a clear and precise legislation to provide a basis for an action to recover the object if it is found in another country,

Reminding States of the proposals put forward in the framework of the thirtieth anniversary of the Intergovernmental Committee, held in Seoul in 2008, and discussed at the fifteenth session of the Committee, to assist States in such a purpose,

Welcoming the participation of the International Institute for the Unification of Private Law in this exercise for its expertise in the harmonization of laws,

1. *Stresses* the importance of the issue and encourages the establishment of a working group of independent experts chosen jointly by the Secretariats of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Institute for the Unification of Private Law, in their personal capacity and as far as possible on the basis of a balanced geographical representation;

2. *Encourages* the preparation of model provisions with explanatory guidelines to be made available to States to consider in the drafting or strengthening of national laws;

3. *Requests* the secretariat to report on the work accomplished by the working group at the seventeenth session of the Committee;

4. *Invites* Member States to provide appropriate human and financial support for such work.

Recommendation No. 4

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling resolution 44 adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its thirty-third session, which added mediation and conciliation to the mandate of the Committee,

Taking note of the progress achieved during the examination of the draft rules of procedure on mediation and conciliation,

1. *Thanks* the subcommittee and its Chair, Professor Constantin Economidès for the efforts accomplished to prepare a draft text and to present the results of its work at the sixteenth session of the Committee;

2. *Adopts* the rules of procedure on mediation and conciliation;

3. *Asks* the Director-General to report on the adopted rules of procedure to the General Conference of UNESCO at its next ordinary session.

Recommendation No. 5

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

1. *Decides* to hold its seventeenth ordinary session at the headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO) during the first semester of 2011;

2. *Requests* the Director-General of UNESCO to provide the Secretariat with adequate human and financial resources in order to conduct this task in proper conditions.

Recommendation No. 6

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling the importance of supporting the fight against illicit trafficking of cultural objects, through trainings, sensitization tools, documentation, inventories and databases,

Encouraging the continuation and strengthening of the cooperation undertaken by the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Institute for the Unification of Private Law (UNIDROIT), the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime (UNODC), the World Customs Organization, the International Council of Museums , the Italian Carabinieri, the Office central de lutte contre le trafic de biens culturels, of France (OCBC), and other institutions or organizations,

Acknowledging the growth and the upgrading of the website of UNESCO regarding the Database of National Cultural Heritage Laws,

Taking note of the absolute need for the database of stolen objects maintained by INTERPOL in the fight against illicit trafficking,

Thanking the Czech Republic, the Netherlands, Switzerland and the United States of America for their substantial and decisive extrabudgetary contributions to the activities of UNESCO,

1. *Encourages* States to reinforce national policies regarding inventories of movable cultural heritage, notably concerning museums, cultural institutions, cultural sites, in particular of an archaeological nature, and places of worship;

2. *Also encourages* Member States to continue providing the secretariat with electronic versions of their national cultural heritage legislation and their official translations;

3. *Requests* Member States to widen the dissemination of information on stolen or retrieved cultural heritage to the General Secretariat of INTERPOL, encouraging also their local police services to pass on this information to the bureau of INTERPOL in their country;

4. *Invites* Member States to fully cooperate and consider providing additional extrabudgetary funds in these endeavours.

Recommendation No. 7

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Noting the discussions about the challenges concerning the implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import,

Export and Transfer of Ownership of Cultural Property, of 1970, as well as of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, of 1995,

Taking note of the necessity to evaluate, in particular, the effectiveness of the conventions and the implementation thereof, with regard to the new trends in illicit trafficking of cultural heritage, in particular the growing threats to archaeological and paleontological heritage,

1. *Considers* the fortieth anniversary of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the fifteenth anniversary of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects an opportunity to conduct such evaluations;

2. *Regards* these events as a chance to reinforce the effectiveness of the conventions and elaborate strategies, in particular for their better applications;

3. *Requests* the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), in cooperation with the secretariat of the International Institute for the Unification of Private Law (UNIDROIT), to facilitate the organization of a forum of reflection, as soon as possible, among member States of UNESCO, in particular on the following subjects:

(a) The effectiveness of the current international legal framework, taking into account that it might be insufficient in the fight against illicit trafficking in cultural property and restitution of cultural property to its countries of origin, in particular that related to archaeological and paleontological objects coming from illicit excavations and looting of archaeological and paleontological sites;

(b) The contribution and complementarity of other legal instruments for the protection of cultural property and the fight against illicit trafficking;

(c) The consideration of basic principles in the field of restitution and return of cultural objects, which could enrich the work of the Committee, as well as the functions of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;

(d) The strengthening of the role of the Intergovernmental Committee, in particular in relation to guiding the planning and implementation of the programme of activities of UNESCO with regard to restitution and return of cultural property to its countries of origin;

4. *Calls upon* the Director-General to mobilize the additional extrabudgetary funds required for the organization of the forum of reflection.

Recommendation No. 8

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Commemorating the 40 years of the Convention of the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,

1. *Acknowledges* the progress and evolution achieved over those years, especially through the work of the Committee;

2. *Takes note* of the two conferences organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO), which took place in Athens, in March 2008, and in Seoul, in November 2008, and their conclusions regarding the Convention;

3. *Takes note* of the report commissioned by the secretariat on ethical principles and legal rules in the field of return of cultural properties, which has identified the evolution of some basic principles on the aforementioned issues and was presented to the Committee during the fourteenth extraordinary session and the fifteenth and sixteenth sessions, and its conclusions.

Annex II

Recommendations adopted by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation at its seventeenth session

Headquarters of the United Nations Educational, Scientific and Cultural Organization, 30 June-1 July 2011

Recommendation No. 1

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Having paid tribute to the late Professor Economidès, a member of the United Nations International Law Commission and eminent scholar of international public law,

Recalling his precious contribution to objectives and activities of the United Nations Educational, Scientific and Cultural Organization, in particular in the field of return and restitution of cultural property and the safeguarding of the intangible cultural heritage,

1. *Expresses* its appreciation for his guidance as Chair of the Committee;

2. *Extends* its deepest condolences to his family, friends and colleagues, as well as to the Greek authorities.

Recommendation No. 2

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Acknowledging relevant recommendations of the United Nations Educational, Scientific and Cultural Organization which express its continuing concern for a solution to the issue of the Parthenon Sculptures,

1. *Acknowledges* the fruitful cooperation between Greece and the United Kingdom of Great Britain and Northern Ireland on cultural maters and expresses the wish that this should continue, with a view to concluding the ongoing discussions in respect of the reunification of the Parthenon Sculptures;

2. *Takes note* that Greece invites the United Kingdom to collaborate with Greece in exhibiting all the Parthenon Sculptures from their respective collections in the Acropolis Museum;

3. *Takes note* that the Acropolis Museum proposes a collaboration with the British Museum on the study of all surviving detached fragments from the Parthenon monument, for the purposes of scientifically assessing the process of reconstitution of all fragments with the surviving sculptural decoration of the monument;

4. *Takes note* of the collaboration proposed by the Acropolis Museum and the British Museum to cooperate in a programme of digital scanning of the sculptures of the Parthenon in both museums;

5. *Takes note* of the invitation from the Acropolis Museum to the British Museum to hold meetings in 2011, in order to further the proposed collaboration;

6. *Invites* the Director-General to assist in convening the necessary meetings between Greece and the United Kingdom with the aim of reaching a mutually acceptable solution to the issue of the Parthenon Sculptures.

Recommendation No. 3

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling the request of Turkey for the Sphinx of Boğazköy, which is currently on display in the Berlin Museum,

Noting the legal and cultural arguments that have been made by both States concerned, over a number of years,

Recalling the previous recommendations adopted by the Committee on this question at its sixth session and at its tenth to sixteenth sessions,

Recalling also that the issue of the return of the Sphinx is a pending agenda item of the Committee since 1987,

Noting with satisfaction that the 7,400 cuneiform tablets which were part of the original request of Turkey from the German Democratic Republic were returned in November 1987, following the fifth session of the Committee, held in April 1987, and were inscribed in the Memory of the World Register of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2001,

Noting also that the Boğazköy Sphinx was situated at Boğazköy (Hattusha) where it was excavated, which was the capital of the Hittite Empire and is currently inscribed in the World Heritage List of UNESCO,

1. *Welcomes* the information provided by both parties that, following bilateral meetings held on 18 April 2011 in Ankara and on 13 May 2011 in Berlin, it was agreed that the Boğazköy Sphinx will arrive in Turkey by 28 November 2011, at the latest, in a spirit of friendship between Turkey and Germany;

2. *Notes with satisfaction* that a mutually acceptable solution of the case of the Boğazköy Sphinx has been reached through bilateral meetings and in a spirit of cooperation;

3. *Invites* the parties to keep the Committee informed of the issue;

4. *Also invites* the Director-General to report to the Committee, in this regard, at its eighteenth session.

Recommendation No. 4

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling recommendation No. 3, adopted at its sixteenth session, on the preparation of model provisions with explanatory notes by an independent expert committee under the auspices of the secretariats of the United Nations Educational,

Scientific and Cultural Organization (UNESCO) and the International Institute for the Unification of Private Law,

Welcoming the participation of the International Institute for the Unification of Private Law in this project, given its expertise regarding the harmonization of legal systems,

1. *Expresses its appreciation* to the expert committee for having elaborated and presented the project to the Committee at its seventeenth session;

2. *Takes note* of the finalization of model provisions and expresses its satisfaction with the obtained results;

3. *Invites* the expert committee to incorporate in its explanatory guidelines the observations made by the member States and observers of both organizations, which will be circulated by the secretariats of UNESCO and the International Institute for the Unification of Private Law to the member States and observers;

4. *Requests* the secretariat to widely disseminate these model provisions with explanatory notes and to make them available to member States to consider in elaborating or reinforcing their national legislations;

5. *Requests* the secretariat to present an assessment of the use of model provisions during its nineteenth session.

Recommendation No. 5

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Thanking China, the Republic of Korea and Spain for their financial contribution to the organization of its seventeenth session,

1. *Decides* to hold its eighteenth ordinary session at the headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO), in 2012, the day after the meeting of the States parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;

2. *Requests* the Director-General to provide the secretariat with adequate human and financial resources in order to effectively conduct this task.

Recommendation No. 6

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling the importance to support the fight against illicit trafficking of cultural objects through training, awareness-raising tools, documentation, inventories and databases,

Recalling recommendation No. 7 adopted at the sixteenth session of the Committee,

Thanking the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the secretariat for the organization of the meeting on the theme "The fight against the illicit traffic of cultural property: the

1970 Convention, past and future", that took place at UNESCO headquarters on 15 and 16 March 2011 in the framework of the fortieth anniversary of the normative instrument,

Encouraging the continuation and strengthening of the cooperation among UNESCO, the International Institute for the Unification of Private Law, the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime (UNODC), the World Customs Organization, the International Council of Museums , the Italian Carabinieri, the Office central de lutte contre le trafic de biens culturels, of France (OCBC), and other institutions or organizations,

Expressing its satisfaction for the support to the European Commission project entitled "Hermes 11",

Acknowledging the regular improvement of the website of UNESCO regarding the Database of National Cultural Heritage Laws and the recognized effectiveness of this tool,

Recalling recommendation No. 3 adopted at the twelfth session of the Committee, inviting the secretariat to provide the Committee with examples of return and restitution upon which a database may be developed and from which the Committee may draw inspiration, and urging Member States to support the initiative through providing representative examples of return and restitution to the secretariat,

Taking note of the importance of all databases on stolen cultural objects in order to fight against illicit trafficking and the necessity of connecting them,

Thanking the Czech Republic, Monaco, the Netherlands, Switzerland and the United States of America for their substantial support and decisive extrabudgetary contributions to the activities of UNESCO,

1. *Reiterates* the necessity to pursue the reflection on:

(a) The implementation of the current international legal framework, taking into account that it might be insufficient in the fight against illicit trafficking in cultural property and return or restitution of cultural property to its countries of origin, in particular that related to archaeological and paleontological objects coming from illicit excavations and looting of archaeological and paleontological sites;

(b) The contribution and complementarity of other legal instruments for the protection of cultural property and the fight against illicit trafficking;

2. *Encourages* Member States to reinforce their national policies regarding inventories of movable cultural heritage, notably in museums, cultural institutions, cultural sites (in particular those of an archaeological nature) and places of worship;

3. *Further encourages* Member States to continue providing the secretariat with electronic versions of their national cultural heritage legislation and their official translations;

4. *Asks* the secretariat to prepare an annex to the report presented at the seventeenth session of the Committee, on "Examples of cultural property returned

or restituted without action by the Committee",[a] checking previously the accuracy of the information with the States concerned, taking into consideration their sensitivity;

5. *Requests* Member States to reinforce the transmission of information on stolen or retrieved cultural objects to the General Secretariat of INTERPOL and to encourage local police services to transmit relevant information to the national INTERPOL bureau of their country;

6. *Invites* Member States to fully cooperate with the secretariat and to provide additional extrabudgetary funds for these endeavours.

[a] See document CLT-2011/CONF.208/COM.17/2REV, available at: http://unesdoc.unesco.org/images/0019/001927/192728e.pdf.

Annex III

Recommendations and a decision adopted by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation at its eighteenth session

Headquarters of the United Nations Educational, Scientific and Cultural Organization, 22 June 2012

Recommendation No. 1

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

1. *Elects* Professor Keun-Gwan Lee (Republic of Korea) as Chair of the Intergovernmental Committee;

2. *Elects* Gunay Akhundova (Azerbaijan) as Rapporteur of the Intergovernmental Committee;

3. *Elects* Guatemala, Iraq, Nigeria and Turkey as Vice-Chairs of the Intergovernmental Committee.

Recommendation No. 2

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Having examined the provisional agenda,[a]

Adopts the agenda contained in the aforementioned document with the amendments proposed by the secretariat.

[a] See document ICPRCP/12/18.COM/2.

Recommendation No. 3

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin of its Restitution in Case of Illicit Appropriation,

Having examined the following documents:

- Revised version of the final report of the sixteenth session,[a]
- Revised version of the report of the meeting held on the occasion of the fortieth anniversary of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,[b]
- Revised version of the report of the secretariat of the seventeenth session,[c]
- Final report of the seventeenth session,[d]

Adopts the reports presented by the secretariat in the way in which they were amended by certain delegations.

[a] See document CLT-2010/CONF.203/COM.16/6REV.
[b] See document CLT/2011/CONF.207/8REV.
[c] See document CLT-2011/CONF.208/COM.17/2REV.
[d] See document CLT-2011/CONF.208/COM.17/6.

Recommendation No. 4

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin of its Restitution in Case of Illicit Appropriation,

Having examined the report of the secretariat,[a]

Adopts the report of the Secretariat of the eighteenth session, as it appears in the above-mentioned document, as amended with the inclusion of the observations of some delegations and the secretariat.

Recommendation No. 5

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Acknowledging relevant recommendations of the United Nations Educational, Scientific and Cultural Organization expressing its continuing concern for a solution to the issue of the Parthenon Sculptures,

1. *Acknowledges* the fruitful cooperation between Greece and the United Kingdom of Great Britain and Northern Ireland on cultural matters and expresses the wish that this should continue with a view to concluding the ongoing discussions in respect of the reunification of the Parthenon Sculptures;

2. *Notes* that Greece invites the United Kingdom to collaborate with Greece in exhibiting all the Parthenon Sculptures from their respective collections in the Acropolis Museum;

3. *Also notes* that the Acropolis Museum proposes a collaboration with the British Museum on the study of all surviving detached fragments from the Parthenon monument, for the purposes of scientifically assessing the process of reconstitution of all fragments with the surviving sculptural decoration of the monument;

4. *Takes note* of the collaboration proposed by the Acropolis Museum and the British Museum to cooperate in a programme of digital scanning of the sculptures of the Parthenon in both museums;

5. *Notes* that Greece invites the United Kingdom to collaborate with Greece in bringing together, under conditions to be explored in good faith, fragments of the Parthenon Sculptures which are disjecta membra and which would enable the Acropolis Museum to add to damaged images, thereby promoting the scientific study of classical form;

6. *Takes note* of the invitation from the Acropolis Museum to the British Museum to hold meetings in 2012, in order to further the proposed collaboration;

7. *Invites* the Director-General to assist in convening the necessary meetings between Greece and the United Kingdom with the aim of reaching a mutually acceptable solution to the issue of the Parthenon Sculptures.

[a] See document ICPRCP/12/18.COM/3.

Recommendation No. 6

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Having considered the discussions on the Fund of the Committee,[a]

1. *Takes note* of the information contained in the aforementioned document;[a]

2. *Encourages* States to increase further their voluntary contributions to the Fund in order to make it more operational;

3. *Invites* States to make use of the Fund for the return or restitution of cultural property;

4. *Invites* the secretariat to further communicate the existence of, and the opportunities offered by, the Fund, in order to encourage voluntary contributions.

[a] See document ICPRCP/12/18.COM/4.

Recommendation No. 7

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Having considered the report on practical tools,[a]

Takes note of the aforementioned document.[a]

Recommendation No. 8

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Taking note of the heavy workload of the secretariat during the preparation of the Committee's sessions and expressing appreciation for its efforts,

Invites the secretariat to send the provisional agenda at least sixty days before the Committee session.

Recommendation No. 9

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

1. *Decides* to hold its nineteenth session in 2014;

2. *Requests* the Director-General to provide the secretariat with adequate human and financial resources in order to effectively conduct this task.

Decision

The Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation,

Recalling the request of Turkey for the Sphinx of Boğazköy, which was on display in the Berlin Museum until May 2011,

Noting the legal and cultural arguments, that have been made by both States concerned over a number of years,

Recalling the previous recommendations adopted by the Committee on this question at its sixth session and at its tenth to seventeenth sessions,

Recalling also that the issue of the return of the Sphinx was a pending agenda item of the Committee since 1987,

Recalling further the information provided by both parties at the seventeenth session of the Committee that, following bilateral meetings held on 18 April 2011, in Ankara, and on 13 May 2011, in Berlin, where it was agreed that the Boğazköy Sphinx would arrive in Turkey by 28 November 2011, at the latest, in a spirit of friendship between Turkey and Germany,

Noting with satisfaction that a mutually acceptable solution of the case of the Boğazköy Sphinx has been reached through bilateral negotiations and in a spirit of friendship and cooperation,

[a] See document ICPRCP/12/18.COM/5.

1. *Welcomes* the information provided by both parties at the eighteenth session of the Committee that the Boğazköy Sphinx arrived in Turkey at the end of July 2011 and is now on display in Boğazköy (Hattusha), where it was excavated, which was the capital of the Hittite Empire and is currently inscribed in the World Heritage List of the United Nations Educational, Scientific and Cultural Organization;

2. *Acknowledges* that the issue of the Boğazköy Sphinx is regarded as a sui generis case by both parties and has been settled in a cooperative manner;

3. *Decides* that the issue of the Boğazköy Sphinx is no longer on the agenda of the Committee.

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General Assembly

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Sixty-seventh session
Item 28 of the provisional agenda*
Advancement of women

Intensification of efforts to eliminate all forms of violence against women

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 65/187 on the intensification of efforts to eliminate all forms of violence against women, the present report provides information on measures taken by Member States and activities undertaken within the United Nations system to address violence against women. It also contains conclusions and specific recommendations for future action.

* A/67/150.

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I. Introduction

1. In its resolution 65/187 of 21 December 2010 on the intensification of efforts to eliminate all forms of violence against women, the General Assembly urged Member States to continue to develop their national strategy and a more systematic, comprehensive, multisectoral and sustained approach, aimed at eliminating all forms of violence against women, in the fields of legislation, policies, prevention, law enforcement, victim assistance and rehabilitation, data collection and analysis. It further urged States to increase their focus on prevention in laws, policies and programmes and their implementation, monitoring and evaluation. The Assembly stressed that States should ensure that all relevant officials receive proper training and that States should take all possible measures to empower women and inform them of their rights in seeking redress. It requested the Secretary-General to submit to the Assembly, at its sixty-seventh session in 2012, a report with information provided by States and the United Nations bodies, funds and programmes and the specialized agencies on their follow-up activities, including on the assistance of the United Nations entities to States, to implement the resolution. The present report is submitted in accordance with that request. It is based on information received from Member States and United Nations entities and covers the period since the previous report (A/65/208) up to 26 June 2012.

II. Background

2. According to information in the Secretary-General's database on violence against women, as at 9 July 2012, over 160 countries had adopted legislation to criminalize and/or respond to violence against women in general or to a particular form of violence; over 140 countries had in place a national plan or strategy on violence against women or had included measures to address such violence in other national plans covering broader issues; over 120 countries had undertaken some type of prevention activities, such as awareness-raising; over 110 countries had some form of support services available for victims/survivors; and over 140 countries had undertaken some type of research and data collection.

3. Despite those efforts, violence against women remains a universal phenomenon that cuts across lines of income, class and culture.[1] Country data reveal that as many as 7 in 10 women in the world report having experienced physical and/or sexual violence at some point in their lifetime,[2] and young women, particularly those aged 15 to 24, are more likely to be exposed to violence.[1] The most common form of violence is intimate partner violence, which can often lead to death,[3] a fact confirmed in a global study on homicide. According to the study, women are the most affected in intimate partner/family-related homicides, accounting for more than 77 per cent of all victims.[4] Violence against women has devastating effects on individuals, communities and societies, constrains the achievement of the Millennium Development Goals, and leads to high economic and social costs. Cost analyses of

[1] See Department of Economic and Social Affairs, *The World's Women 2010: Trends and Statistics*, 2010.

[2] UN-Women, *The Facts: Violence against Women and the Millennium Development Goals*, 2010.

[3] *Ending violence against women: From words to action: Study of the Secretary-General* (United Nations publication, Sales No. E.06.IV.8).

[4] United Nations Office on Drugs and Crime, *Global Study on Homicide 2011* (Vienna, 2011).

violence against women carried out in several countries, including Australia, Canada, England and Wales, Fiji and the United States of America, with different methodologies, reveal that the annual cost of such violence varies from $1.16 billion to $32.9 billion and includes a variety of costs ranging from police, health and justice responses to victims/survivors to those related to lost productivity.[2]

III. Global legal and policy developments

4. During the period covered by the present report, United Nations intergovernmental and expert bodies continued to address violence against women. For example, at its sixty-fifth session, in 2010, the General Assembly adopted resolution 65/228 on strengthening crime prevention and criminal justice responses to violence against women. In its resolutions 14/12 and 17/11, the Human Rights Council underlined the duty of States to exercise due diligence to prevent violence against women and girls and protect victims and urged Member States to accelerate their efforts in that regard.

5. At its ninth to thirteenth sessions, the Human Rights Council's Working Group on the Universal Periodic Review, continued to make recommendations relating to violence against women in 78 of the 79 countries it considered. The Working Group recommended that States ensure the enforcement of laws, the investigation of cases, the prosecution of perpetrators and the protection of victims; address the root causes of such violence and organize educational and awareness-raising programmes; and systematically collect and analyse disaggregated data on violence against women.

6. Special rapporteurs of the Human Rights Council continuously addressed violence against women, including in their dialogue with Governments and in the context of country visits (see, for example, A/HRC/14/22/Add.1, A/HRC/17/26/Add.1 and A/HRC/16/52/Add.3). In addition, the Special Rapporteur on violence against women, its causes and consequences examined the topic of reparations to women who have been subjected to violence (see A/HRC/14/22) and the intersections among multiple forms of discrimination and violence against women (see A/HRC/17/26), and addressed gender-related killings of women (see A/HRC/20/16).

IV. Measures reported by Member States and United Nations entities

7. As at 26 June 2012, 44 Member States[5] and 19 United Nations entities[6] had responded to the Secretary-General's request for information relating to the implementation of General Assembly resolution 65/187. Information was provided on a range of measures taken to address violence against women, including strengthening legal frameworks, adopting dedicated policies, reinforcing prevention action; efforts to prosecute perpetrators and protect and support victims; and initiatives to enhance research and data collection.

A. International instruments, legislation and the justice system

1. International and regional instruments

8. The international legal framework obligates and guides States in the adoption of their laws to address violence against women. Member States drew attention to their adherence to a range of international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (although with reservations by some reporting States) and the Rome Statute of the International Criminal Court. Many States indicated their adherence to relevant regional instruments, such as the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Council of Europe Convention on preventing and combating violence against women and domestic violence, adopted in 2011.

2. Legislation, justice system and measures to end impunity

Enactment and amendment of laws

9. Violence against women is rooted in structural inequalities between men and women, and legal frameworks to secure gender equality and protect women's human

[5] Algeria, Argentina, Austria, Belarus, Burkina Faso, Burundi, Cameroon, Croatia, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Indonesia, Ireland, Italy, Japan, Lebanon, Liechtenstein, Luxembourg, Mali, Malta, Mauritius, Mexico, Monaco, Panama, Peru, Poland, Portugal, Qatar, Republic of Moldova, Spain, Sudan, Sweden, Switzerland, Togo, Tunisia, Turkmenistan and the United Kingdom of Great Britain and Northern Ireland.

[6] Department of Public Information of the Secretariat, International Labour Organization (ILO), Pan American Health Organization (PAHO), United Nations Children's Fund (UNICEF), Economic Commission for Latin America and the Caribbean (ECLAC), Economic and Social Commission for Asia and the Pacific (ESCAP), Economic and Social Commission for Western Asia (ESCWA), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Office on Drugs and Crime (UNODC), United Nations Office of the High Commissioner for Human Rights (OHCHR), Office of Internal Oversight Services (OIOS), Permanent Forum on Indigenous Issues, United Nations Population Fund (UNFPA), United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), United Nations Trust Fund in Support of Actions to Eliminate Violence against Women, and United Nations Volunteers.

rights are needed to effectively address such violence. In order to achieve this, certain States enhanced legal frameworks to promote gender equality by incorporating relevant provisions into their constitutions (Algeria, Belarus and Italy) and enacted gender equality laws (Mauritius, Mexico, the Republic of Moldova and Turkmenistan).

10. Legislation provides the foundation for a holistic and effective approach to addressing violence against women and is a prerequisite for eliminating impunity. Many States have strengthened their national legal frameworks to prevent and address violence against women. A comprehensive legal framework that not only criminalizes violence against women, but also provides for measures to prevent violence and to support and protect victims/survivors is crucial. Such legislation was adopted in several countries, including Argentina, Luxembourg, Malta, Portugal, the Republic of Moldova and Spain. Other States enhanced the legal framework for the protection of victims by adopting laws covering, for example, compensation for damages (Portugal) and support and services for victims/survivors (Austria and Japan). Some of these laws address multiple forms of violence, while others focus on one form of violence, such as domestic violence. In several States, the elaboration and/or adoption of laws to address violence against women is under way (Belarus, Greece, Lebanon and Switzerland).

11. A number of States adopted or revised legislation to address specific forms of violence against women, such as domestic violence (Croatia, Egypt, France, Indonesia, Luxembourg, Peru and Poland), sexual harassment (Algeria, Italy, Portugal, Togo and Tunisia), stalking (Liechtenstein and the United Kingdom of Great Britain and Northern Ireland), and female genital mutilation (Italy, Portugal and Switzerland). Some States enacted or revised legislation to protect children from violence (Monaco and Portugal) and to enhance the protection of particular groups of women, such as foreign/immigrant women, by extending their right of residence if they are victims of domestic violence (France, Liechtenstein, Portugal and Switzerland). States incorporated provisions relating to the protection of women from violence in laws on gender equality (El Salvador and Turkmenistan) and crime prevention (Belarus).

12. Member States enacted and/or amended their penal codes and/or other laws to criminalize acts of violence against women, increase fines and penalties, and expand the definitions of violence and the scope of protection. In some States, domestic violence was introduced as a criminal offence (Portugal and the Republic of Moldova), while in others, sentences and fines were increased and aggravating circumstances such as the victim's age and violence resulting in the death of the victim were introduced (Algeria, Mauritius, Peru and Portugal). In Croatia, Ireland, Mauritius and Portugal, the definition of domestic violence was broadened to include physical, sexual, psychological and other types of violence and the scope of protection extended to cover violence committed within relationships other than marriage. In Portugal and other countries, the definition of rape was broadened to include a greater range of constitutive acts, while the penal code provision that exempts perpetrators of rape from prosecution if they marry the victim was repealed in Egypt.

13. United Nations entities also supported States in adopting or improving laws that address violence against women and developed tools to guide legal reform at the national level. For instance, the International Labour Organization (ILO), the

Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) supported the development, revision and implementation of laws to address violence against women, or one of its forms, in over 20 countries in the past two years. They provided technical advice to lawmakers, contributed to national consultative processes on the reform and adoption of legislation and provided guidance on the implementation of the law. On the basis of an expert group meeting, UN-Women published a *Handbook for Legislation on Violence against Women* (2010),[7] which recommends the adoption of comprehensive legislation that criminalizes all forms of violence against women and mandates measures to prevent such violence and to support and protect victims/survivors. The handbook is complemented by the *Supplement to the handbook for Legislation on Violence against Women: "Harmful Practices" against Women* (2011).[8]

Civil protection orders

14. Civil protection orders, which provide for the removal of perpetrators from a joint place of residence in cases of domestic violence, and the imposition of restrictions on the behaviour of perpetrators, can prove to be effective legal remedies for victims of violence. They are available in an increasing number of States (Estonia, France, Japan, Luxembourg, Mauritius, Mexico, Peru, Portugal, the Republic of Moldova and the United Kingdom), and some States, such as Italy, extend the application of such orders to cases of stalking.

Reporting and access to justice

15. Inadequate reporting of cases of violence against women continues to be a challenge and, in some instances, is associated with low education and literacy rates and lack of adequate information about victims' rights, as was highlighted by Egypt. In order to address this challenge, several States undertook initiatives to inform victims/survivors and women at risk of violence of their rights and available services, including through helplines, websites and publications, often translated into several languages (Belarus, Croatia, Denmark, Estonia, Finland, France, Germany, Ireland, Japan, Liechtenstein, Luxembourg, Mauritius and Portugal). In some States, reporting of violence is mandatory for professionals who encounter cases of violence in the course of their work (Peru), while in others, criminal proceedings are initiated ex officio, for example in cases of domestic violence (Liechtenstein and Malta).

16. States also adopted measures and/or amended criminal procedure codes or related laws to protect and assist victims/survivors of violence during legal proceedings. Such measures include the availability of information to victims/survivors on the progress of their cases (Switzerland); separate spaces for victims/survivors during proceedings (Panama); protection of victims' privacy (Italy); and

[7] Available from http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf.

[8] Available from http://www.un.org/womenwatch/daw/vaw/handbook/Supplement-to-Handbook-English.pdf.

the establishment of a special department to coordinate support for witnesses and victims throughout the judicial proceedings (Croatia).

17. States undertook measures to facilitate victims' access to justice, including the provision of legal assistance and counselling and accompanying victims during court proceedings (Argentina, Gabon, Luxembourg, Mali, Mauritius and Peru). United Nations entities, including the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations Trust Fund and UN-Women also supported similar initiatives, including through funding non-governmental organizations to provide legal assistance; the establishment of mobile courts; and the formulation of special agreements to ensure access by indigenous women to justice.

Implementation, monitoring and evaluation of laws

18. Specialized training of law enforcement officials and the judiciary and the availability of specialized police units, prosecutors and courts for cases of violence against women can contribute to more effective implementation of laws. Towards that end, States appointed specialized staff and judges within courts (Ireland and Spain) and prosecution units (Gabon); and established specialized centres for investigations (Portugal) and units within Ministries (Sudan). Specialized police units were also established in a number of countries, including Ecuador, El Salvador, Indonesia, Kenya, Mauritius and South Sudan, with the support of UNDP, UNFPA, UNHCR and UN-Women.

19. Training programmes were carried out and relevant materials were developed for police, prosecutors, judges, lawyers and security forces in many countries (Algeria, Argentina, Belarus, Burundi, Croatia, Denmark, Egypt, Gabon, Indonesia, Ireland, Italy, Liechtenstein, Mali, Mauritius, Peru, Poland, Portugal, the Republic of Moldova, Spain, the Sudan, Sweden and Togo). United Nations entities and funds, including UNDP, UNHCR, UNODC, the United Nations Trust Fund, and UN-Women supported similar training and capacity-building programmes in over 10 countries. Such initiatives were often carried out in cooperation with civil society, including women's organizations, and included a focus on the investigation and prosecution of perpetrators, enhancing knowledge of the causes and consequences of violence against women, national legislation and international standards. In some States, specialized courses and curricula, including on international standards and national legislation addressing violence against women, are provided in law schools, judges' colleges and police academies (Algeria, Argentina, Denmark, Ecuador, Liechtenstein, Luxembourg, Mexico and Spain). In order to introduce appropriate standards for the implementation of laws, several States issued a range of protocols, regulations and guidelines, including on investigation, prosecution, legal proceedings and cooperation among different authorities (Argentina, Denmark, Estonia, Indonesia, Mexico, Panama, Poland, Portugal and Spain).

20. Some States are in the process or have already evaluated laws and judicial procedures and reviewed their implementation, in order to identify areas of improvement (Denmark, Egypt, Luxembourg, Sweden and the United Kingdom). Specific monitoring mechanisms, often with the support of United Nations entities, were established in Argentina, El Salvador, Mexico and Spain.

21. Little information was reported, however, on the impact of enacted legislation. Despite progress made, the enforcement of legislation remains a challenge. While welcoming the adoption of laws to address violence against women in their concluding observations to States parties, human rights treaty bodies[9] also expressed concern about the lack of enforcement of legislation and the lack of measures to prevent, investigate and prosecute cases of violence against women; the underreporting of cases and the barriers that victims/survivors encounter in accessing justice; lack of legal aid; low prosecution rates and lenient sentences for perpetrators; and insufficient allocation of resources to implement legislation. They urged States parties to ensure the implementation of legislation; access to justice for all victims/survivors; proper investigation of all cases and prosecution of perpetrators; increases in specialized courts and judges; and additional training for law enforcement officials.

B. National action plans, strategies, coordination mechanisms and collaboration

22. National action plans and strategies on violence against women can provide an overarching framework and timelines for the implementation of activities addressing violence against women. States increasingly adopted dedicated policies on violence against women, often in consultation with women's rights organizations and United Nations entities, which may include measures aimed at the development of laws; supporting victims/survivors; awareness-raising and education; training and capacity-building efforts; and research and data collection. Such plans and strategies address violence against women in general (Algeria, Argentina, Ecuador, Egypt, El Salvador, Finland, Greece, Ireland, Italy, Liechtenstein, Mauritius, Peru, the Sudan, Togo, Tunisia and the United Kingdom), or a particular form of violence, such as domestic violence (Croatia, Lebanon, Liechtenstein, Mauritius, Panama and Poland), and female genital mutilation/cutting (Austria, Cameroon and the Sudan). Some States included indicators and timelines in their plans (Croatia and Portugal) and established special institutions or mechanisms to carry out monitoring and evaluation (Croatia, Denmark, Estonia, Ireland, Italy, Mexico, Peru and Sweden), while others conducted impact assessments of earlier plans, which resulted in the development of new plans to intensify action (Denmark, Estonia and Portugal).

23. Some States incorporated targets and activities relating the elimination of violence against women in national action plans and policies on other issues such as human rights (Indonesia), gender equality (Belarus, Gabon, Japan and Spain) and the promotion of women (Burkina Faso). Other States, such as Germany and Sweden, consider the elimination of violence against women as one of their main priorities in their policies on international development cooperation, and support several programmes in many countries towards that end.

24. Owing to the multiplicity of required responses, wide-ranging institutional mechanisms were established to coordinate the implementation of national action plans and policies. States established such mechanisms to tackle violence against women in general (Argentina, Egypt, Estonia, Finland, Greece, Ireland, Italy, Malta, Mauritius, Mexico, Panama and Peru) or a particular form of violence, such as domestic violence (Denmark, Germany, the Republic of Moldova and Switzerland),

[9] See http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx.

female genital mutilation/cutting (Italy and Mali) and forced and early marriages (United Kingdom). These mechanisms often include multisectoral task forces and commissions, specialized units within Ministries or expert groups and, in many cases, they comprise representatives of both governmental bodies and non-governmental organizations. Limited information was provided, however, about the decision-making power of such mechanisms.

25. Coordination among different actors was identified as a challenge. In order to address this, several other efforts to enhance collaboration and coordination among different stakeholders were undertaken, including cooperation arrangements and agreements among different governmental authorities and the establishment of national working groups and networks (Croatia, Estonia, Indonesia, Italy, Panama, Peru and Sweden). A number of States highlighted the collaboration between the Government and civil society, in particular women's organizations (Denmark and Italy). Several reported on the allocation or increase of funds to implement national action plans, policies and programmes (Croatia, Denmark, Estonia, Mexico, Peru, Portugal, the Sudan and the United Kingdom).

26. United Nations entities, including OHCHR, UNDP, UNESCO, UNICEF, UNODC, UNRWA and UN-Women, supported the development of national action plans and policies to address violence against women and developed tools to guide policy reforms. On the basis of an expert group meeting, UN-Women published a *Handbook for National Action Plans on Violence against Women* (2012) that presents a model framework for national action plans and sets out detailed recommendations, accompanied by explanatory commentaries and good practice examples.[10]

27. Despite efforts to enhance the implementation of plans and policies, several States identified lack of adequate resources and coordination as challenges. In addition, while human rights treaty bodies welcomed the adoption of national action plans, strategies and programmes to address violence against women, they also expressed concern that despite such efforts, there is still a high prevalence of violence against women; inadequate coordination among institutions; and a lack of adequate capacity and financial resources for the implementation of policies and programmes. They urged States parties to provide substantial human, technical and financial resources in order to effectively implement such policies.

C. Prevention measures, including awareness-raising and capacity-building

28. Prevention is recognized as a core component of any strategy to end violence against women. States identified societal attitudes and practices as challenges in preventing and addressing such violence. In order to address this, States stepped up their efforts in awareness-raising and advocacy and increasingly engaged a wide range of stakeholders, including communities, civil society organizations, religious and community leaders, the media, the private sector, young people, men and boys.

[10] Available from http://www.un.org/womenwatch/daw/vaw/handbook-for-nap-on-vaw1.pdf.

I. Awareness-raising and promoting safety

29. Numerous countries organized national awareness-raising campaigns on violence against women (Argentina, Belarus, Ecuador, Germany, Japan, Mexico, Peru and Sweden), including on domestic violence (Croatia, France, Luxembourg and Malta), female genital mutilation (Italy) and forced and early marriages (United Kingdom). Several campaigns were carried out in connection with annual commemorations of the campaign "16 Days of Activism against Gender-based Violence" and the International Day for the Elimination of Violence against Women (Italy, Panama, the Republic of Moldova, the Sudan and Togo). In several States, funding was provided to non-governmental organizations to carry out awareness-raising campaigns and prevention activities (Ireland, Mexico and the United Kingdom).

30. A number of States referred to a range of other awareness-raising initiatives, often targeting particular groups of women such as migrant women, teenagers and young adults. These initiatives included community mobilization, conferences, seminars and debates aimed at raising awareness about violence against women, national laws and international human rights treaties (Algeria, Austria, Belarus, Burkina Faso, Denmark, Egypt, Estonia, Gabon, Indonesia, Lebanon, Liechtenstein, Mali, Malta, Mauritius, Mexico, Peru, Portugal, Qatar, Switzerland, Togo, Tunisia, Turkmenistan and the United Kingdom). Publications, brochures, websites, audiovisual material, television and radio spots and social media were utilized in awareness-raising programmes.

31. In order to sensitize staff and officials and strengthen their capacity to address violence against women, States organized training programmes and seminars, including on international standards, gender equality and violence against women. Such initiatives targeted government officials, traditional and religious leaders, parliamentarians and non-governmental organizations (Burkina Faso, Mali, Mauritius, Peru, Portugal, Switzerland and the United Kingdom).

32. During the reporting period, the United Nations led awareness-raising efforts on ending violence against women at the global, regional and national levels. Many awareness-raising and advocacy initiatives were organized under the umbrella of the Secretary-General's campaign "UNiTE to End Violence against Women". UN-Women's social mobilization and advocacy platform "Say NO-UNiTE to End Violence against Women" has mobilized and obtained the signatures of Heads of States, ministers and parliamentarians from over 70 countries. Many United Nations entities, including the Department of Public Information, the Economic Commission for Latin America and the Caribbean (ECLAC), the Economic and Social Commission for Asia and the Pacific (ESCAP), the Economic and Social Commission for Western Asia (ESCWA), ILO, OHCHR, the Pan American Health Organization (PAHO), UNDP, UNFPA, UNHCR, UNICEF, UNODC, the Permanent Forum on Indigenous Issues, UNRWA, the United Nations Trust Fund, United Nations Volunteers and UN-Women, stepped up their efforts for advocacy and awareness-raising on violence against women. These initiatives included campaigns, international conferences, expert group meetings, seminars and training programmes, and targeted multiple stakeholders such as communities, religious leaders, young people, particular groups of women and the private sector. A wide range of communication and advocacy tools were also utilized towards this end.

33. In order to promote safe environments for women and girls, UNICEF, the United Nations Trust Fund and UN-Women conducted studies, engaged community leaders and supported programmes to improve urban planning and safety in public spaces. In addition, a five-year programme "Safe and Friendly Cities for All" was launched by the United Nations Human Settlements Programme (UN-Habitat), UNICEF and UN-Women to promote safety of women and girls in public spaces.

2. Educational system and the media

34. The educational system can change sociocultural attitudes and beliefs that perpetuate violence against women. Several States highlighted their efforts to address discriminatory attitudes, raise awareness about violence against women and promote safety in schools through training teachers on gender equality and human rights (Austria, Belarus, Ecuador, Mexico, the Republic of Moldova and Spain); the development or revision of school curricula and material to eliminate gender stereotypes and promote the elimination of violence against women (Egypt, Estonia, Finland, Japan, Mexico, the Republic of Moldova and Spain); raising the awareness of students about violence against women (Denmark, Gabon, Luxembourg, Panama, Peru, Portugal and the Sudan); and national programmes to reduce violence in schools (Finland). Such United Nations entities as UNESCO, UNICEF, the United Nations Trust Fund and UN-Women also supported initiatives to raise awareness about violence against women and gender equality among students, teachers and parents.

35. In order to sensitize journalists to reporting cases of violence against women in a more gender-sensitive manner, training and sensitization activities were carried out in Belarus and Peru and, with the collaboration of UNESCO, in Mexico. In the Sudan a special agreement was drawn up between the authorities and the journalists' union with a view to enhancing their collaboration on eliminating such violence.

3. Engaging men and boys

36. The role of men and boys in addressing violence against women has been recognized as a critical component of prevention activities. States included specific measures targeting men and boys in their national policies on violence against women (for example, Estonia) and carried out initiatives to sensitize men and boys about gender equality and mobilize them to end violence against women. These initiatives included campaigns (Argentina and the Republic of Moldova) and cooperation with the White Ribbon campaign (Poland), and often focused on men from particular ethnic groups (Ecuador).

37. United Nations entities, including UNFPA, UNICEF, the United Nations Trust Fund, United Nations Volunteers and UN-Women, continued to engage men and boys in more than 20 countries. Efforts included awareness-raising campaigns and initiatives; using sports events as a medium; training non-governmental organizations; establishing regional networks of male advocates; and developing programmes focused on building respectful relationships, including within families. Many of these activities were organized under such United Nations regional inter-agency initiatives as Partners for Prevention.

4. Programmes for perpetrators

38. In order to prevent further acts of violence, a number of States have in place intervention programmes for perpetrators of violence against women (Denmark, Estonia, Ireland, Liechtenstein, Portugal and the Republic of Moldova). These programmes often include diagnosis at an early stage and follow-up monitoring of perpetrators. States reported on the allocation of funds to implement such programmes (Sweden) and the development of standards in working with perpetrators (Germany).

39. Limited information was provided concerning the sustainability and impact of the initiatives undertaken to prevent violence against women. Human rights treaty bodies continued to express their concerns about the lack of a holistic approach to the prevention and elimination of such violence and the lack of information on the impact of measures and programmes in place to reduce incidents of violence against women, and urged States to continue to carry out awareness-raising and educational programmes.

D. Protection, support and services for victims and survivors

40. Victims/survivors require timely access to integrated and coordinated services that respond to short-term injuries, protect them from further violence, provide them with support, including legal advice, counselling and access to safe shelters, and address such long-term needs as finding accommodation and employment.

1. Services and referral mechanisms

41. Support services are increasingly, but not universally, available. One promising practice is the provision of such services in an integrated and coordinated manner in one location (Ecuador, Finland, Indonesia, Mexico, Poland, Portugal and the United Kingdom). Recognizing that civil society organizations, in particular women's non-governmental organizations, have significant experience and expertise in providing services to victims/survivors of violence, a number of States supported and financed their work (Ireland, Portugal, Qatar and the United Kingdom). Referral mechanisms linking relevant sectors were established in several States (Liechtenstein, Luxembourg and Mauritius). Other developments in service provision include psychological, social and financial assistance (Luxembourg, Mauritius and Spain); assistance in finding employment (Algeria, France and Mauritius); income-generating activities (Burkina Faso, Mali, Panama, the Sudan and Togo); and vocational training (Croatia and France). Some States conducted assessments of such services in order to improve the quality (Poland, Portugal and Sweden). Many support services are, however, available only in central locations.

42. United Nations entities, including UNDP, UNFPA, UNHCR, UNICEF, UNODC, UNRWA, the United Nations Trust Fund and UN-Women supported national efforts in over 45 countries and territories to develop integrated care models and referral mechanisms and improve access by survivors to services, including survivors from conflict and post-conflict countries, women from ethnic minorities and women living with HIV/AIDS. UNFPA continued to address the health needs of women victims of violence in over 25 countries and supported health services provision to refugees, including the distribution of medical kits in camps to prevent exposure to diseases and HIV/AIDS following sexual assault.

2. Shelters and hotlines

43. Shelters and safe houses are more widely available for victims/survivors of different forms of violence and their children, as well as for different groups of victims/survivors such as women with disabilities, women migrants, indigenous women and children victims/witnesses of violence (Croatia, Denmark, Egypt, El Salvador, Estonia, Finland, Germany, Greece, Liechtenstein, Mauritius, Mexico, Peru, Portugal, Sweden and the United Kingdom).

44. National hotlines or helplines that provide information, often in several languages, counselling, support and referral services for victims/survivors of violence are in place in a growing number of countries (Denmark, Egypt, Finland, Gabon, Greece, Italy, Mauritius, Mexico, Panama, Peru, Poland, Portugal, Sweden and the Sudan).

3. Capacity-building and guidelines for service provision

45. In order to strengthen the capacity of professionals, including medical and health staff dealing with cases of violence against women, several countries implemented training programmes and produced relevant material (Algeria, Austria, Croatia, Denmark, Ecuador, Egypt, Estonia, Finland, Gabon, Greece, Ireland, Italy, Japan, Liechtenstein, Malta, Peru, Portugal, the Republic of Moldova, Spain and the United Kingdom). Similar training initiatives focused on the needs of different groups of women, such as indigenous women, and the exchange of good practices were carried out by United Nations entities, including PAHO, UNICEF, UNFPA and UNHCR, in numerous countries. In order to ensure better and more consistent services to women victims of violence, States developed standard operating procedures and minimum standards of service provision, guidelines and tools for case management, and issued protocols and regulations (Argentina, Austria, Croatia, Finland, Greece, Indonesia, Malta, Mauritius, Mexico, Panama, Poland, Portugal, the Republic of Moldova, Spain and the United Kingdom).

46. States identified several challenges in providing support services to victims/survivors, including lack of sufficient human and financial resources. In their concluding observations to States parties, human rights treaty bodies reiterated their concerns about inadequate support services to victims; lack of coordination among the actors involved; lack of sustained funding and uneven quality of services provision; and the obstacles encountered by victims in accessing such services. They urged States to provide support services that are geographically distributed and adequately resourced and to ensure that all women victims of violence, including women from rural areas and vulnerable groups, have full access to these services.

E. Research, data collection and analysis

47. States collected statistical information on violence against women through surveys and administrative statistics to improve their knowledge about such violence, its causes and consequences.

1. Data collection through surveys

48. Several States collected data through dedicated surveys on violence against women, some of them on a regular basis, and with the support of United Nations

entities, in relation to the prevalence, types, causes and consequences of such violence (Algeria, Italy, Japan and Sweden). Some surveys focused on particular groups, such as women with disabilities. Certain States collected data on violence against women through other types of surveys, such as national demographic health surveys and crime surveys (Philippines, Switzerland and the United Kingdom). Data collected through surveys indicated that domestic violence is the most prevalent form of violence against women in Algeria and that 31.9 per cent of women in Italy and 6 out of 10 women in Ecuador had been victims of violence at least once in their lives.

2. Administrative statistics and enhanced national capacity

49. Administrative statistics on, for example, the number of cases reported to police and charges laid or the number of admissions to hospitals or shelters for victims/survivors of violence also provide a source of information on the prevalence and severity of violence against women. Several States reported on measures taken to enhance the collection and analysis of administrative data by police, prosecutors and other relevant authorities (Algeria, Argentina, Croatia, Estonia and Peru). A promising trend in the collection of administrative data was the creation of national databases or central data systems and the development of methodologies for uniform data collection (Belarus, Ecuador, El Salvador, Mexico, Portugal and the Republic of Moldova).

50. In a number of countries, mechanisms were established to strengthen national capacity to collect statistical information on violence against women. Such mechanisms include observatories or special institutions and committees that are responsible for collecting and analysing data and information on violence against women to identify gaps and propose new policies (Argentina, Finland, Ireland, Luxembourg, Mexico, Panama and Spain).

51. United Nations entities, including ESCWA, PAHO, UNDP, UNFPA, UNHCR, UNICEF, the United Nations Trust Fund and UN-Women, supported the collection of statistical information and the improvement of methodological tools at the global, regional and national levels by providing technical assistance, developing guidelines and modules, and establishing databases and observatories, often focusing on particular forms of violence and humanitarian settings. The Friends of the Chair of the United Nations Statistical Commission on Indicators on Violence against Women continued their work. At a meeting held in December 2009, they identified a set of nine core indicators for surveys on violence against women, which were presented to the Statistical Commission at its forty-second session (22 to 25 February 2011) and are based on the following: total and age-specific rate of women subjected to physical or sexual violence during their lifetime or the previous 12 months by severity of violence, relationship to the perpetrator and frequency; total and age-specific rate of ever-partnered women subjected to sexual and/or physical violence by the current or former intimate partner during their lifetime or in the last 12 months by frequency; total and age-specific rate of women subjected to female genital mutilation or to psychological or economic violence by the intimate partner in the past 12 months.

3. Studies, research and analysis, including cost analysis

52. Studies, research and analysis relating to violence against women constitute an important knowledge base for policy and programmes development processes. Some States conducted an analysis of the economic impact of violence against women and one (United Kingdom) estimated that violence costs the country 36.7 billion pounds sterling per annum. Research and studies were conducted in numerous States, including by non-governmental organizations, often with the support of United Nations entities (Austria, Ecuador, Egypt, Gabon, Germany, Ireland, Japan, Lebanon, Mali, Mexico, Panama, Spain, the Sudan, Sweden, Switzerland and Togo).

53. United Nations entities support the enhancement of knowledge about violence against women through gathering information, research and studies. For example, the Secretary-General's database on violence against women provides information on measures undertaken by Member States to address such violence; as at 6 July 2012, it had received 123 responses by States. Under the UN-Women Virtual Knowledge Centre to End Violence against Women and Girls, four new programming modules were launched providing guidance and promising practices to address violence against women through the justice, health and security sectors and campaigns.

54. A number of States emphasized the continuing challenges of lack of data on violence against women, lack of uniform data collection systems, and lack of coordination and qualified staff to collect such data (Egypt, Estonia, Gabon, Ireland, the Republic of Moldova and Tunisia). Human rights treaty bodies also expressed their concern about the lack of sex-disaggregated data on the types of violence against women and the number of victims. They urged States to undertake or improve research and data collection on prevalence, causes and consequences of violence against women.

V. United Nations efforts to achieve greater coordination, collaboration and capacity development

A. Coordination and collaboration

United Nations system-wide initiatives

55. Several key system-wide initiatives ensured continued priority within the United Nations system on the issue of violence against women and resulted in increased coordination and collaboration among United Nations entities.

1. UNiTE to End Violence against Women

56. UNiTE to End Violence against Women, launched by the Secretary-General in 2008, continued its advocacy efforts at the global, regional and national levels. As a result, there has been enhanced collaboration within the United Nations system to address violence against women under the umbrella of the Secretary-General's campaign. For example, there was a significant increase in the number of United Nations inter-agency initiatives addressing violence against women (to over 100 as indicated in the 2010 Synthesis of Resident Coordinator Annual Reports, and an increase in the number of United Nations country teams requesting support from the United Nations Trust Fund to undertake such joint initiatives under the umbrella of the campaign (to over 50). The campaign continued to engage multiple stakeholders,

including high-level officials, in all regions where it was rolled out, including through the Secretary-General's Network of Men Leaders; to organize awareness-raising activities at the national and international levels; and to develop strategic partnerships with international and regional organizations, including the African Union and the African regional economic communities.

2. Task Force on Violence against Women of the Inter-Agency Network on Women and Gender Equality

57. The Task Force enhanced timely information exchange, coordination and collaboration among United Nations entities, including through the inventory of United Nations system activities to prevent and eliminate violence against women. The results and lessons learned from the joint programming initiative of the Task Force, which was carried out in 10 countries, were compiled and presented at the global consultation on "Delivering as One on Violence Against Women: From Intent to Action".[11] The Task Force has been converted to the Standing Committee on Violence against Women.

3. United Nations Trust Fund in Support of Actions to Eliminate Violence against Women

58. By the end of 2011, the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women was supporting 96 active projects valued at over $61 million, including joint programmes of 12 United Nations country teams, in 86 countries and territories, aimed at preventing violence, expanding access by survivors to services and strengthening institutional responses. Although 15 States contributed a total of $20.5 million to support the Trust Fund in 2010 and 2011, demand for support continued to greatly exceed available funds. In its 2011 call for proposals, the Trust Fund included a special focus on efforts to address violence against women in conflict, post-conflict and transitional settings. During the reporting period, an external evaluation of the Trust Fund was finalized and, based on its recommendations, a new strategy (2010-2015) was adopted and endorsed by the Trust Fund's inter-agency Programme Advisory Committee. In order to achieve more effective investments, the Trust Fund commissioned an outcome mapping report (2006 to mid-2011) to determine promising approaches to addressing violence against women.[12] The Trust Fund also strengthened the capacity of grantees to implement, monitor and evaluate programmes that address such violence.

4. United Nations Action against Sexual Violence in Conflict

59. United Nations Action against Sexual Violence in Conflict strengthened its policy frameworks and capacities and enhanced advocacy and research efforts. The 13 United Nations entities comprising this initiative endorsed a new framework aimed at strengthening the engagement of the various stakeholders and improving the monitoring and reporting of conflict-related sexual violence. United Nations Action's multi-donor trust fund supported several initiatives to address sexual violence in conflict, including the implementation of monitoring analyses and

[11] See http://www.unfpa.org/webdav/site/global/shared/documents/publications/2011/VAWJointProgrammingCompendium-1.pdf

[12] Available from http://www.unwomen.org/publications/mapping-of-grantees-outcomes-the-united-trust-fund-to-end-violence-against-women-2006-to-mid-2011/.

reporting arrangements in various countries, deployment of experts, training programmes and research. In order to improve the measurement of conflict-related sexual violence, United Nations Action adopted a matrix of early warning indicators. Advocacy efforts were enhanced by mobilizing social media to amplify the "Stop Rape Now" campaign. United Nations Action also works with the Special Representative of the Secretary-General on Sexual Violence in Conflict, who reports to the Security Council on the topic.

Coordination and collaboration at the regional and national levels

60. United Nations entities stepped up their efforts to improve collaboration and coordination in order to effectively address violence against women. For example, to improve comprehensive and coordinated responses, they joined efforts under the UNDP-Spain Millennium Development Goals Achievement Fund in several countries and territories. In the area of research and data collection, the five United Nations regional commissions, in collaboration with the United Nations Statistics Division and UN-Women, continued to implement the interregional programme "Enhancing capacities to eradicate violence against women through networking of local knowledge communities" by producing survey modules and organizing knowledge-sharing initiatives. Another example of inter-agency collaboration in this area is the "Together for Girls" initiative of the Joint United Nations Programme on HIV/AIDS (UNAIDS), UNFPA, UN-Women and the World Health Organization (WHO), developed in partnership with the Government of the United States and private sector actors, aimed at collecting data on violence against girls in seven countries.

B. Capacity development to support national efforts

61. In order to better support initiatives to address violence against women at the national level, United Nations entities strengthened their policy frameworks, capacity and knowledge. UNHCR strengthened its operations with additional funding to address gender-based violence and launched an updated strategy on the topic. In line with an evaluation and recommendations of the Office of Internal Oversight Services (OIOS), several United Nations missions developed strategies and initiatives to address violence against women, including in humanitarian settings. United Nations entities, including OHCHR and United Nations Volunteers, increased their capacity to provide advice and support in addressing violence against women by deploying specialized advisers and experts in several countries, and UNFPA enhanced its staff's substantive knowledge about the topic.

VI. Conclusions and recommendations

62. **During the reporting period, States took actions to prevent and address violence against women, focusing on strengthening national legal and policy frameworks, enhancing prevention and protection measures, improving knowledge and data collection systems, and facilitating cooperation at all levels. Various forms of violence against women were increasingly criminalized and penalties were increased. Definitions of violence and the scope of protection were expanded. Measures were taken to ensure the implementation of legislation through dedicated policies and coordination among various actors,**

although limited information was provided on the decision-making power of coordination mechanisms and the allocation of resources to ensure their sustainability.

63. States increasingly complemented such laws and policies with capacity-building and prevention activities, although they were largely limited to awareness-raising initiatives and often not systematically carried out. However, there were increasing efforts in numerous countries to expand prevention activities to include educational programmes and the mobilization of multiple stakeholders, such as communities, men and boys, and the media.

64. Prevention activities, including awareness-raising, resulted in increased demand from victims/survivors for protection and services. Greater focus therefore needs to be placed on the protection of victims/survivors and the provision of services to address this need and reinforce the message that violence against women is not tolerated. Such services are limited to central locations and little information was provided on resources allocated to address the needs of particular groups of women. Limited information was also provided about the consistency of initiatives and the impact of measures and programmes, their monitoring and evaluation and the allocation of resources to ensure their sustainability.

65. Despite the increase in efforts, the prevalence of violence against women worldwide is still high. Remaining challenges include underreporting of incidents and existing barriers to access justice, protection and services; insufficient enforcement of legislation; limited allocation of adequate resources to implement laws, policies and programmes and insufficient monitoring and evaluation of their impact; lack of reliable data to monitor progress; and lack of coordination among multiple stakeholders.

66. States should adopt a comprehensive, coordinated and systematic approach based on human rights and gender equality principles and the involvement of multiple stakeholders at all levels. Strong political commitment at the national level, demonstrated by comprehensive national laws and policies and the allocation of sufficient resources is required. The implementation of all measures and the monitoring and evaluation of their impact need to be strengthened.

67. States should continue to adopt comprehensive legislation, in accordance with international human rights standards, that not only criminalizes such violence and punishes the perpetrators, but also mandates prevention and protection for victims/survivors, and mechanisms and funding to ensure implementation.

68. States should continue to take measures to encourage victims/survivors to report their cases and to ensure that all victims/survivors have access to justice, that their cases are properly investigated and that perpetrators are prosecuted. Penalties for non-compliance with the law should be in place to ensure accountability. States should ensure that women exposed to or at risk of violence are informed about their rights and remedies and that free legal aid and assistance are available throughout legal proceedings. Civil protection orders, civil lawsuits and remedies should be available to complement criminal measures and enhance the protection of victims/survivors.

69. States should continue to establish specialized police and prosecution units and ensure that they are adequately equipped. They should also ensure that training for law enforcement officials and the judiciary on violence against women is systematic, that guidelines and protocols are issued, and that criminal justice processes are gender-sensitive and protect the rights and safety of the complainants and survivors.

70. States should ensure that national action plans and policies addressing violence against women are comprehensive and multidisciplinary in scope. They should incorporate clear targets and indicators, provide for ongoing monitoring and impact assessments, and ensure coordination of action among all stakeholders. Coordination mechanisms should be strengthened with resources and have clear responsibilities to effectively implement such policies. States should ensure the allocation of sufficient resources for the implementation of their plans and policies.

71. The participation of a wide range of stakeholders, including non-governmental organizations, in the elaboration, implementation and evaluation of national action plans, policies and programmes is a good practice and should be promoted.

72. States should ensure that a comprehensive and coordinated approach to the prevention of violence against women is adopted; that the prevention of such violence forms an integral part of laws, policies and programmes; and that resources are increased to monitor and evaluate the impact of such initiatives.

73. Prevention strategies and activities should address the root causes of violence, including by empowering women, strengthening their economic independence, and eliminating discrimination against them in law and in practice, in both the public and private sectors. States should ensure the engagement of communities, religious and community leaders, civil society and women's organizations, men and boys, young people and the private sector, including the media, to challenge gender stereotypes and social norms that perpetuate violence against women and ensure that environments, communities and schools are safe for women and girls. States should also ensure early interventions with families and children exposed to or at risk of violence.

74. Awareness-raising campaigns should be systematic, sustained and extended throughout all areas of the country to target the general public as well as particular groups of women. Educational institutions and curricula at all levels should promote gender equality and women's human rights and condemn violence. States should also consider extending prevention activities to sports organizations and clubs, youth organizations and special programmes in schools and to include efforts aimed at building skills in the development of respectful relations.

75. States should ensure that all victims/survivors of violence have access to immediate protection and support, including medical treatment and police interventions, social, psychological and legal assistance, and shelter. Services need to be adequately resourced and available to all victims/survivors and their children, including young, immigrant and indigenous women, women from ethnic minorities, women with disabilities and those living with HIV/AIDS, and

women from rural and remote areas. Information about the availability of existing services should be broadly disseminated.

76. **Such services should be provided in an integrated and coordinated manner in one location and should be extended throughout the country, including to rural areas. All professionals handling cases of violence against women should be systematically trained and protocols should be issued to ensure uniform quality of services provision. Coordination among different sectors needs to be further strengthened and referral mechanisms should be reinforced. States should ensure that the work of civil society actors, including community-based groups and women's organizations, in supporting victims/survivors is strengthened.**

77. **States should ensure the systematic and coordinated collection and dissemination of data, as well as its analysis, including on prevalence, frequency, causes and consequences of violence against women and on the impact of measures to address such violence. Statistical data should be disaggregated by sex, race, age, ethnicity and other relevant characteristics. States should ensure the adoption of the nine core indicators for surveys on violence against women, as identified by the Friends of the Chair of the United Nations Statistical Commission.**

78. **States should use available data to monitor trends and progress and inform legislative and policy reforms and the provision of targeted and effective services. The development of uniform standards of data collection and capacity-building of statisticians to collect data in a gender-sensitive manner are critical. Qualitative research should be intensified to cover the economic, political and social determinants of violence against women.**

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Item 67 (a) of the provisional agenda*
Rights of indigenous peoples

Status of the United Nations Voluntary Fund for Indigenous Populations

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations, submitted pursuant to General Assembly resolution 40/131.

* A/67/150.

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Report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations

Summary

The present report on the status of the United Nations Voluntary Fund for Indigenous Populations is submitted in accordance with General Assembly resolution 40/131. It provides updated information on the activities of the Fund since the submission of the previous biennial report (A/65/163), including the twenty-fourth and twenty-fifth annual sessions of the Board of Trustees, held in 2011 and 2012, respectively. It also reports on the outcome of the intersessional virtual meetings of the Board, a working method established to respond to the expansion of the mandate of the Fund to sessions of human rights treaty bodies and of the Human Rights Council.

I. Mandate of the United Nations Voluntary Fund for Indigenous Populations

1. The initial mandate of the United Nations Voluntary Fund for Indigenous Populations, established pursuant to General Assembly resolution 40/131 of December 1985, was to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities.

2. Over the past 25 years, the mandate of the Voluntary Fund for Indigenous Populations has been extended five times, giving the opportunity to indigenous communities and organizations to participate in the deliberations of other human rights mechanisms and to contribute to important developments on indigenous issues that take place at the international level.

3. The first extension of the Fund occurred in December 1995 (General Assembly resolution 50/156) and gave indigenous communities and organizations the possibility of participating in the deliberations of the open-ended intersessional working group of the Commission on Human Rights to elaborate a draft declaration on the rights of indigenous peoples. As a result, around 130 specialized indigenous activists received financial support from the Fund to attend sessions on the draft declaration, thus contributing to this major standard-setting exercise, which culminated on 13 September 2007 in the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in resolution 61/295.

4. The mandate of the Fund was further extended following the creation, by the Commission on Human Rights (resolution 1998/20, endorsed by the Economic and Social Council in its decision 1998/247), of an open-ended intersessional ad hoc working group to elaborate and consider proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system. The General Assembly decided, in its resolution 53/130, that the Fund should also be used to assist indigenous representatives in participating in the deliberations of the ad hoc working group. The Fund subsequently allocated grants to some 50 indigenous representatives to attend meetings of the group.

5. The Economic and Social Council, in its resolution 2000/22, established the Permanent Forum on Indigenous Issues as a subsidiary organ of the Council. As a response to this development, the General Assembly decided, in its resolution 56/140, that the Fund should also be used to assist representatives of indigenous communities and organizations to attend the sessions of the Permanent Forum on Indigenous Issues as observers.

6. In its resolution 63/161, the General Assembly adjusted the mandate of the Fund so as to facilitate the participation of representatives of indigenous peoples' organizations in the Expert Mechanism on the Rights of Indigenous Peoples, established as a subsidiary organ of the Human Rights Council in accordance with its resolution 6/36.

7. The most recent expansion of the Voluntary Fund for Indigenous Populations occurred on 21 December 2010. Pursuant to General Assembly resolution 65/198, the

participation of representatives of indigenous communities and organizations was extended to sessions of the Human Rights Council and human rights treaty bodies.

II. Administration of the Fund and composition of the Board of Trustees

8. Pursuant to General Assembly resolution 40/131, the Fund is administered by the Secretary-General, in accordance with the relevant financial rules and regulations of the United Nations on general trust funds for humanitarian assistance, and with the advice of a Board of Trustees. The recommendations of the Board are approved by the United Nations High Commissioner for Human Rights on behalf of the Secretary-General. The Office of the United Nations High Commissioner for Human Rights (OHCHR) acts as the secretariat of the Fund and the Board.

9. The Board of Trustees is composed of five persons with relevant experience on issues affecting indigenous peoples, who serve in their personal capacity as United Nations experts. The Board members are appointed by the Secretary-General for a three-year renewable term.

10. The current Board members appointed by the Secretary-General for the period from 1 January 2012 to 31 December 2014 are: Mr. Kenneth Deer (Canada), Mr. Shankar Limbu (Nepal), Ms. Dalee Sambo Dorough (United States of America), Mr. Legborsi Saro Pyagbara (Nigeria) and Ms. Joenia Batista de Carvalho (Brazil).

III. New developments resulting from the expansion of the Fund to sessions of the Human Rights Council and human rights treaty bodies

11. In May 2010, OHCHR submitted a concept note outlining the practical implications of a change in the mandate of the Fund, in accordance with Human Rights Council resolution 12/13 of 1 October 2009, and presented it at the fifteenth session of the Human Rights Council. By resolution 65/198, the General Assembly decided to expand the mandate of the Fund to facilitate the participation of representatives of indigenous peoples' organizations and communities in sessions of the Human Rights Council and of human rights treaty bodies.

12. Subsequently, the Board of Trustees had to review and adapt its working methods and methodology to respond to this new decision. This exercise has been carried out through broad consultations and meetings with the secretariats of the relevant human rights mechanisms, including the Human Rights Council, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women.

13. The Board of Trustees held extensive discussions on the practical implications of the expansion of the mandate of the Fund, especially during its twenty-fourth and twenty-fifth annual sessions. Those discussions focused on the following topics: new selection criteria; pre-screening and selection; the application process; monitoring and follow-up activities of selected applicants; dissemination of information; new grant cycles; and intersessional virtual meetings. Meetings with several sections of OHCHR were also organized, in particular to discuss the

modalities for the participation of non-governmental organizations in sessions of the Human Rights Council and of the human rights treaty bodies.

A. Selection criteria and application

14. In addition to the selection criteria previously endorsed, the Board of Trustees considered new criteria for the selection of applicants wishing to attend sessions of the Human Rights Council and the human rights treaty bodies (see annex).

15. The application forms have been adapted to the expanded mandate: additional sections have been inserted, which request information on the experience of the applicants in the use of human rights mechanisms. The form also requests more information, in particular on the expected impact at the national level of the applicant's participation in meetings of the human rights mechanisms, as well as activities that are envisaged to follow up on the recommendations of the Human Rights Council, including its universal periodic review, and the human rights treaty bodies.

B. Working methods of the Board of Trustees

16. The Board of Trustees has adapted its working methods in order to respond to the new challenges arising from the expansion of the mandate of the Fund. In addition to its annual sessions, the Board has established a system of intersessional meetings organized by means of e-mail or videoconference to decide on the allocation of grants to indigenous peoples' organizations and communities which wish to participate in sessions of the Human Rights Council, including its universal periodic review, and the human rights treaty bodies. A new grant cycle, tailored around sessions of these human rights mechanisms that are held throughout the year, has also been adopted.

17. In 2011, two intersessional virtual meetings were organized, from 25 to 29 July and from 5 to 9 December, respectively. The Board members considered applications to attend the eighteenth and nineteenth sessions of the Human Rights Council, as well as sessions of the treaty bodies being held between September 2011 and March 2012, including sessions of the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child. Seven grants were allocated for an estimated total of $16,951.

18. In 2012, one intersessional virtual meeting was held from 7 to 11 May. The Board of Trustees allocated two grants for the participation of indigenous peoples' organizations and communities in the 81st meeting of the Committee on the Elimination of Racial Discrimination for an estimated amount of $10,537. There will be two more intersessional virtual meetings in August and November 2012.

IV. Twenty-fourth and twenty-fifth annual meetings of the Board of Trustees

19. The Board of Trustees held its twenty-fourth and twenty-fifth annual meetings from 7 to 11 February 2011 and from 6 to 10 February 2012, respectively.

20. During the meetings, the Board of Trustees reviewed the implementation of the recommendations adopted during its previous sessions and examined information prepared by the secretariat, in particular information related to the financial situation of the Fund, including contributions received or pledges made. It decided to allocate grants to indigenous representatives wishing to participate in meetings of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Human Rights Council, the universal periodic review and the human rights treaty bodies.

21. In addition, the Board of Trustees held meetings with 25 Member States during two donor meetings that were organized during the twenty-fourth and twenty-fifth annual sessions. While the Board members expressed their gratitude to Argentina, Australia, Chile, Cyprus, Ecuador, Estonia, Finland, Germany, the Holy See, Mexico, Norway, Spain and Turkey for their generous contributions to the Fund, they also raised their concerns about the 75 per cent decrease in the amount of contributions received between 2008 and 2011.

22. The recommendations made by the Board of Trustees during those two annual meetings as well as during the intersessional virtual meetings were approved on 28 February 2011 and on 1 March 2012 by the High Commissioner for Human Rights on behalf of the Secretary-General.

A. Twenty-fourth session of the Board of Trustees: consideration of applications received

23. The Board considered 349 applications for an estimated total amount of $1,646,069 for representatives of indigenous communities and organizations to attend the tenth session of the Permanent Forum on Indigenous Issues. Thirty grants were allocated for an estimated total of $156,330.

24. The Board also considered 215 applications for travel for an estimated total amount of $687,000 for representatives of indigenous communities and organizations to attend the fourth session of the Expert Mechanism on the Rights of Indigenous Peoples. Twenty-four grants were allocated for an estimated total of $78,937.

B. Twenty-fifth session of the Board of Trustees: consideration of applications received

25. During its twenty-fifth annual session, the Board considered more than 265 admissible applications for an estimated total of $1,003,719. Forty-four grants for an estimated amount of $166,463 were allocated to support the participation of representatives of indigenous peoples' organizations and communities in the eleventh session of the Permanent Forum on Indigenous Issues in May 2012, the fifth session of the Expert Mechanism on the Rights of Indigenous Peoples in July 2012, the thirteenth session of the Working Group on the Universal Periodic Review in May and June 2012 and the twentieth session of the Human Rights Council in June and July 2012, as well as sessions of the treaty bodies. The Board also decided to set aside a budget of $52,394 to allocate, through intersessional virtual meetings, grants for sessions of the human rights treaty bodies, the Human Rights Council and its universal periodic review to be held from July 2012 to March 2013.

C. Other recommendations made and new developments

Impact assessment and follow-up activities

26. The Board of Trustees recommended that the practice be continued of requesting beneficiaries to report on activities they had undertaken while attending a given session and to provide information on any follow-up activities organized upon their return home. The Board also proposed that, whenever possible, beneficiaries of the Fund contact the OHCHR field presences and the United Nations Development Programme to seek assistance on follow-up activities for the implementation of recommendations formulated by the human rights mechanisms. In addition, the Board suggested that collaboration between OHCHR field representatives and beneficiaries of the Fund be strengthened, with a view to raising awareness of the principles contained in the United Nations Declaration on the Rights of Indigenous Peoples and supporting its implementation.

Capacity-building and training

27. The Board members emphasized the need to increase efforts to build the capacity of indigenous representatives to effectively participate in and contribute to sessions of the Human Rights Council, the universal periodic review and the human rights treaty bodies. The Board held extensive discussions on means of maximizing the preparation, participation and follow-up activities of beneficiaries attending these human rights mechanisms, as well as the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples. The Board commended the work done by the Indigenous Peoples' Center for Documentation, Research and Information and recommended that it organize induction courses and human rights training sessions for the beneficiaries of the Fund during sessions of the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples.

28. The Board also held a videoconference with the University of Arizona to discuss the possibility of elaborating a training manual for the beneficiaries of the Fund.

Awareness-raising tools for the Fund

29. During its twenty-fourth session, the Board of Trustees recommended that a video be produced on the impact of the participation of the people to whom the Fund had made grants. The video was produced in 2011 by an independent film-maker, Mélanie Nielsen, who compiled testimonies of former beneficiaries of the Fund. The video was shown at the twenty-fifth session of the Board during the annual meeting with representatives of donor countries and other interested Governments, which was held on 9 February 2012.

30. The Board also recommended that a leaflet on the Fund be produced in English, French, Russian and Spanish. A draft leaflet has been prepared by the secretariat of the Fund and will be reviewed by the Board in 2012.

Information-sharing and collaboration with other human rights mechanisms

31. The Board of Trustees recommended that either the Chair or another member of the Board continue to represent the Board at sessions of the Permanent Forum on

Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples and also attend those sessions of the Human Rights Council at which indigenous peoples' issues are addressed, to give an update on the implementation of the mandate of the Fund and other developments.

32. The Board welcomed the constant collaborative efforts made by the Special Rapporteur on the rights of indigenous peoples, the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples to appeal to States and other interested parties to contribute financially to support the work of the Fund, as well as to help disseminate information on the activities of the Fund to their respective indigenous networks.

33. The Board also recommended that the secretariat of the Fund continue to collaborate with the Special Rapporteur by providing a list of people who have received grants in the past in countries that the Special Rapporteur is planning to visit. In that context, the Board welcomed the completion of the directory of past beneficiaries of the Fund.

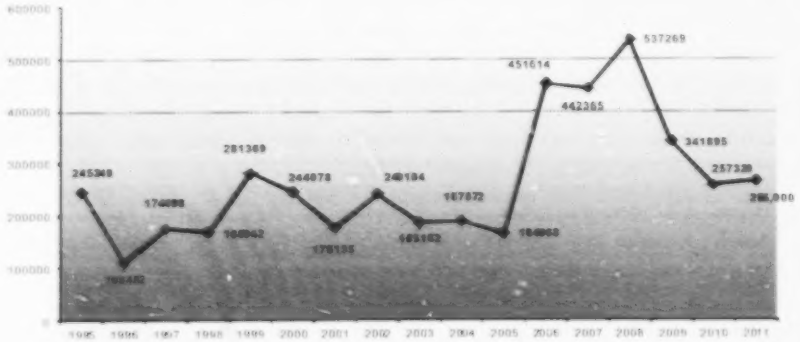
V. Financial status of the Fund and contributions received

34. The Fund is funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities. In order to respond to increasing demands, to operate and fulfil its mandate in a satisfactory manner, the Fund needs to be supported on a regular basis.

35. The Board has regretted the decrease in the contributions between 2008 and 2011. Moreover, it has noted that the expansion of the mandate of the Fund to cover new human rights mechanisms and the increasing demands for financial support require substantial further funding.

36. The Board can allocate travel grants on the basis of the contributions paid and duly registered by the United Nations Treasurer, as well as any balance remaining from previous years, as established by the United Nations Office at Geneva. The figure shows the trend in contributions from 1995 to 2011.

Trend in contributions from 1995 to 2011



Contributions received from States (January 2010 to mid-June 2012)

Contributors	*Contributions in United States dollars*	*Date of receipt*
Argentina	10 000	14/02/2011
	10 000	23/02/2012
Australia	12 495	08/04/2011
	98 640	04/06/2012
Chile	5 000	18/08/2010
	5 000	08/11/2011
	5 000	30/12/2011
Cyprus	2 273	28/03/2011
	4 047	21/03/2012
Denmark	57 285	04/01/2010
Ecuador	1 000	04/08/2011
Estonia	8 119	02/09/2010
	9 299	06/07/2011
Finland	22 195	03/09/2010
	28 612	06/09/2011
Germany	67 295	23/04/2010
	51 852	11/05/2011
	46 481	12/04/2012
Holy See	976	23/04/2010
	1 000	09/09/2011
Mexico	17 353	24/05/2010
	19 068	17/07/2011
	24 188	04/06/2012
Norway	101 110	27/12/2011
Spain	13 387	29/12/2010
	13 680	received in 2011
Turkey	10 000	20/12/2010
	10 000	12/12/2011
Total contributions	**655 354**	

38. Governments, non-governmental organizations and other private or public entities can contribute to the Fund. Information on how to contribute can be obtained from the secretariat at: United Nations Voluntary Fund for Indigenous Populations, Office of the United Nations High Commissioner for Human Rights, Palais des Nations, CH-1211 Geneva 10, Switzerland, or e-mail: indigenousfunds@ohchr.org.

VI. Recommendations

The United Nations Fund for Indigenous Populations has continued to provide

Permanent Forum on Indigenous Issues and in the Expert Mechanism on the Rights of Indigenous Peoples. The expansion of the mandate has further increased the potential of the Fund as it now can also support indigenous participation in the Human Rights Council and in human rights treaty bodies. The Board of Trustees has, however, stressed that the decrease in the level of contributions to the Fund since 2008 is negatively affecting the implementation of the mandate of the Fund and that, should this trend continue, it could have a severe impact on the participation in United Nations mechanisms of the most vulnerable representatives of indigenous peoples. In the light of the above, all States and other potential donors are encouraged to consider supporting the work of the Voluntary Fund for Indigenous Populations so that it can continue to provide robust support for indigenous participation in the relevant mechanisms.

Annex

1. Additional criteria that apply to human rights treaty bodies

(a) Applicants must have knowledge and understanding of the relevant procedures of the human rights treaty bodies.

(b) Applicants must have knowledge and understanding of the issues and problems of the indigenous peoples concerned which are relevant to the respective treaty body.

(c) Applicants must have knowledge and understanding of national laws and international and indigenous human rights standards.

(d) In addition to the criteria for selection of applicants to the Voluntary Fund, applicants must abide by the specific rules and procedures of each treaty body.

2. Additional criteria that apply to the Human Rights Council

(a) Applicants must have knowledge and understanding of the relevant procedures of the Human Rights Council.

(b) Applicants must have knowledge and understanding of the issues and problems of the indigenous peoples concerned which are relevant to the Human Rights Council.

(c) Applicants must have knowledge and understanding of the universal periodic review and the special procedures of the Human Rights Council.

(d) Applicants must provide proof that the non-governmental organization they represent is in consultative status with the Economic and Social Council, or written confirmation of their accreditation from a non-governmental organization with that status.

3. Additional criteria that apply to the universal periodic review

(a) Applicants must have knowledge and understanding of the relevant human rights mechanisms and procedures of the Human Rights Council, in particular the universal periodic review.

(b) Applicants must have knowledge and understanding of the issues and problems of the indigenous peoples concerned, which can be demonstrated by the engagement of the sponsoring organization in the process leading to the review of the State concerned.

(c) Applicants must demonstrate the development of a strategy in order to monitor the implementation of the recommendations issued by the Human Rights Council during the review.

(d) Applicants must provide proof that the non-governmental organization they represent is in consultative status with the Economic and Social Council, or written confirmation of their accreditation from a non-governmental organization